

BRUNSWICK REGIONAL WATER AND SEWER, H2GO RULES AND REGULATIONS FOR OPERATION OF SEWER SYSTEM

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BRUNSWICK REGIONAL WATER AND SEWER

RULES AND REGULATIONS FOR ADMINISTERING SEWER SERVICE

WHEREAS, Brunswick Regional Water and Sewer (H2GO), a body politic and corporate of the State of North Carolina, adopts the Brunswick Regional Water and Sewer's Rules and Regulations for Administering Sewer Service.

WHEREAS, in order to make sewer service available on reasonable demand within its service area, H2GO has a public sewage collection system (the System); and

WHEREAS, H2GO owns and operates the Belville Wastewater Treatment Plant to which portions of the System will discharge sewage for treatment; and

WHEREAS, H2GO desires to expand the Belville Wastewater Treatment Plant to be able meet the needs of the System; and

WHEREAS, H2GO has determined that future expansion of the Belville Wastewater Treatment Plant will not be feasible unless mandatory connections are required; and

WHEREAS, The County of Brunswick (the County) owns and operates a sewage treatment facility (the Northeast Regional Wastewater Treatment Facility) to which portions of the System will discharge sewage for treatment; and

WHEREAS, on November 21, 1994, the County adopted the Brunswick County Utilities Sewer Use Ordinance (the County Sewer Use Ordinance) which regulates discharges of effluent into the Northeast Regional Wastewater Treatment Facility; and

WHEREAS, the County, through the partnership, is expanding the Northeast Regional Wastewater Treatment Facility to be able to meet the needs of the System and the needs of other sewage collection systems in northern Brunswick County; and

WHEREAS, the County has determined that the expansion of the Northeast Regional Wastewater Treatment Facility will not be feasible unless mandatory connections are required; and

WHEREAS, to provide for the efficient operation and maintenance of the System, H2GO has entered into a Sewer System Operating Agreement with the County, dated the 26th day of July, 2001 (the Agreement); and

WHEREAS, portions of the County Connection Ordinance and the County Sewer Use Ordinance be incorporated into the terms of these rules and regulations.

NOW, THEREFORE, in furtherance of the purposes H2GO adopts the following rules and regulations (the Rules and Regulations):

ARTICLE I

GENERAL PROVISIONS

Section 1.1 Purpose and Objectives.

These Rules and Regulations are enacted to provide for the administration of the System by H2GO, to incorporate portions of the County Sewer Use Ordinance herein, and to otherwise regulate the use of the System.

Section 1.2 Administrative Authority.

The Director is hereby assigned the responsibility of administering, implementing and enforcing all provisions of these Rules and Regulations and shall exercise these responsibilities in accordance with the purpose and intent expressed herein in a fair and objective manner. The Director may exercise discretion when necessary to administer these provisions fairly and responsibly. Any powers granted to or imposed upon the Director may be delegated by the Director to other H2GO personnel.

Section 1.3 Applicability.

All Users and Owners (whether within or outside the H2GO's boundaries) shall comply with the provisions of these Sewer Rules and Regulations, the applicable provisions of the H2GO Water System Rules and Regulations, and with applicable federal, state and local laws, permits, ordinances and regulations, which are at that time in effect. The H2GO Water System Rules and Regulations and portions of the County Sewer Use Ordinance are incorporated herein by reference and made a part hereof. In the event of a conflict, the more stringent requirement or expanded standard shall apply. Violations of these Rules and Regulations will be subject to penalties as provided herein.

Section 1.4 Filing.

H2GO at its offices and with the Clerk, as amended from time to time, shall keep a copy of these Rules and Regulations, on file.

Section 1.5 Definitions.

The following terms as used herein shall have the following meanings:

Application for Sewer Service shall mean an application for service on forms provided by H2GO.

Base Charge shall mean a monthly payment charged by H2GO to each User for the available public sewer system and shall be payable regardless of whether the customer discharges any wastewater into the System.

Alternative sewer system means any sewer system (collection system) other than a gravity system or standard pump station and force main. These include pressure sewer systems, septic tank/effluent pump (STEP) sewer systems, vacuum sewer system, and small diameter variable grade gravity sewers.

Available Public Sewer System shall mean any public sewer system (conventional gravity sewer system; pressure sewer system; small diameter variable grade gravity sewer system; septic tank/effluent pump system; and/or vacuum sewer system) located in a dedicated public street, roadway, or dedicated public right-of-way or easement that crosses, adjoins or abuts a parcel upon which a building is located.

Average Daily Flow shall mean a monthly payment charged by H2GO to each User for making service available and shall be payable regardless of whether the customer discharges any wastewater into the System.

BOD shall have the meaning as defined in the County Sewer Use Ordinance.

Building means any structure occupied or intended for supporting or sheltering any occupancy.

Building drain means that part of the lowest piping of a drainage system that receives the discharge from soil waste and other drainage pipes that extends 5 feet beyond the walls of the building and conveys the drainage to the building sewer.

Building Sewer means that part of the drainage system that extends from the end of the building drain and conveys the discharge from a single building to the service lateral connection. The property owner is responsible for the building sewer from the building to the service lateral which is typically located at the property line and/or two-way cleanout.

COD shall have the meaning defined in the County Sewer Use Ordinance.

Commercial refers to the use of real property for commercial, church or institutional purposes and from which wastewater (i) in excess of Standard Strength is not discharged into the System and (ii) the average daily flow of wastewater discharged to the System does not exceed 20,000 gallons.

County shall mean the County of Brunswick.

County Connection Ordinance shall have the meaning defined in the preamble to these Rules and Regulations.

County Sewer Use Ordinance shall have the meaning defined in the preamble to these Rules and Regulations.

Debt Service shall mean the sum of money required to pay installments of principal and interest on bond or other obligations of H2GO relating to the System in a Fiscal Year.

Director shall mean the Executive Director of H2GO or his/her duly authorized deputy, agent or representative.

EPA/DEM shall mean the United States Environmental Protection Agency and the Division of Environmental Management, State of North Carolina.

Fiscal Year shall mean the period commencing on July 1 of any year and ending on June 30 of the following year, or such fiscal year as H2GO may adopt.

H2GO shall mean Brunswick Regional Water and Sewer.

Impact Fees shall mean a separate fee levied by H2GO to cover the cost of current or future capital improvements made to the System and shall include the 'Treatment Plant Capacity Fee'.

Industrial User shall mean any User who is not a Residential or Commercial User.

Inflow shall mean water other than wastewater that enters the System (including water entering through a Building Sewer) from sources such as roof leaders, collar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage.

Interceptor Tank shall mean the 1,000 gallon tank to remove solids in a small diameter gravity sewer system. The interceptor tank is considered part of the service lateral.

Interference shall mean inhibition or disruption of the System and/or the County Treatment Facility which contributes to a violation of any requirement of the County's discharge permit with EPA/DEM.

Master Meter shall mean a meter designed for reading water usage by more than one individual mobile home within a Mobile Home Park.

Master Plan shall mean H2GO's existing system, plan for operation and maintenance of a Sewer System, plans for expansion, including drawings and specifications.

Mobile Home Park shall mean a mobile home park in existence on the date of the initial adoption of these Rules and Regulations to which H2GO provides water service pursuant to a Master Meter.

Owner shall mean the person who holds legal title to real property.

Person/persons shall mean any individual, firm, company, partnership, corporation, association, group or society, and includes the State of North Carolina, and agencies, districts, commissions and political subdivisions created by or pursuant to state law.

Plumbing Code shall mean the North Carolina State Building Code, Volume II, Plumbing, 1980 Edition, as revised.

POTW shall mean publicly owned treatment works. POTW is a term used in the United States for a sewage treatment plant that is owned, and usually operated, by a government agency. In the U.S., POTWs are typically owned by local government agencies, and are usually designed to treat domestic sewage and not industrial wastewater.

Pressure sewer system means an interdependent system of grinder pump stations, typically for residences, serving individual wastewater connections for single buildings that share a common and typically a small diameter pressure pipe (1.5 inches through 6 inches). Duplex or greater pump stations connected to a common pressure pipe that can operate both independently and simultaneously with other pump stations while maintaining operation of the system within the operating constraints are not considered a pressure sewer system.

Private sewer means any part of a sewer system which collects wastewater from one building and crosses another property or travels along a street right of way or from more than one building and is not considered a public sewer.

Public sewer means a sewer located in a dedicated public street, roadway, or dedicated public right-of-way or easement which is owned or operated by any municipality, county, water or sewer district, or any other political subdivision of the state authorized to construct or operate a sewer system.

Rate and Fee Schedule shall mean the Rate and Fee Schedule provided for in Article V of these Rules and Regulations.

Rates, Fees and Charges shall mean the Rates, Fees and Charges set forth in the Rate and Fee Schedule.

Residential refers to the use of real property for residential purposes and from which wastewater in excess of Standard Strength is not discharged into the System.

Septic tank/effluent pump (STEP) system means the same type of system as a "pressure sewer system" except that the individual grinder pump is replaced with a septic tank with an effluent pump either in the second chamber of the septic tank or in a separate pump tank that follows the septic tank.

Service Lateral shall mean that part of the building sewer extending from the property line and/or two-way cleanout to the public sewer main. H2GO is responsible for

maintenance of the service lateral from the sewer main to the property line and/or two-way cleanout.

Sewer Extensions shall have the meaning defined in Article V of these Rules and Regulations.

Sewer Improvement shall have the meaning defined in Article V of these Rules and Regulations.

Sewer Transmission Capital Recovery Fees shall mean fees imposed by H2GO to recover all or part of the capital cost of Sewer Improvements.

Significant Industrial User shall have the meaning set forth in the County Sewer Use Ordinance.

Small diameter variable grade gravity sewer system means a system of wastewater collection utilizing an interceptor tank to remove solids and grease from the waste stream, thereby allowing smaller diameter pipes and shallower grades to be used. Flow is transferred to the central gravity system in the public right-of-way by gravity or effluent pumps. With venting and design, inflective grades (up-gradients) may also be accommodated.

Standard Strength Wastes or Wastewater shall mean wastes of any origin having strengths of two hundred fifty (250) mg/l or less of BOD, seven hundred fifty (750) mg/l or less of COD, and/or containing two hundred (200) mg/l or less of TSS.

Surcharges for Extra-strength Wastewater shall mean costs incurred by H2GO for the treatment of the 'Extra-strength Wastewater', including but not limited to treatment plant costs, chemical costs and the cost of personnel required for monitoring and treating.

System shall mean piping, pumping, and other facilities of H2GO for transporting and treating wastewater, including but not limited to, laterals, collection lines, interceptors and sewer mains, pump stations, force mains, and treatment facilities.

Tap Fee shall mean a separate charge compensating H2GO for the cost of sewer service laterals and other components of the System serving only the User utilizing them.

Treatment Plant Capacity Fee shall mean a separate charge compensating H2GO for its share of the cost of capital improvements to the Belville Wastewater Treatment Plant and/or the Northeast Regional Treatment Facility or other facilities of the County used by H2GO for transporting and treating wastewater and shall be included in the 'Impact Fee'.

TSS shall have the meaning defined in the County Sewer Use Ordinance.

Use Rate shall mean a rate per 1,000 gallons charged each User for service in excess of a stated volume per month.

User shall mean any customer of the System.

User Charges shall have the meaning set forth in Article VI of these Rules and Regulations and in the Rate and Fee Schedule.

Vacuum sewer system means a mechanized system of wastewater collection utilizing differential air pressure to move the wastewater. Centralized stations provide the vacuum with valve pits providing the collection point from the source and also the inlet air required to move the wastewater. In conjunction with the vacuum pumps, a standard (non vacuum) pump station and force main is used to transport the wastewater from the vacuum tanks to a gravity sewer or ultimate point of treatment and disposal.

Wastewater or wastes shall mean a combination of the water carried wastes from residences, commercial establishments, institutions, and industrial establishments, but excluding storm waters, surface waters, and ground waters.

Water System shall mean the potable water system owned and operated by H2GO, including any expansions thereof and improvements thereto.

Water System Rules shall mean the Rules and Regulations for Operation of Water System adopted by H2GO on the 25th day of February 1999, including the Rates and Fee Schedule associated therewith, as the same may be hereafter amended.

ARTICLE II

USE OF PUBLIC SEWERS

Section 2.1. Requirement of Sewer Use.

- A. When the owner of a property under H2GO jurisdiction, including an owner of a non-district sewer system, shall use such property in any manner that results in the generation of wastewater, such wastewater shall be discharged into an available public sanitary sewer system, subject to the provisions of Article IX. The owner shall install at his expense a suitable building sewer or collecting sewer, as applicable, and shall install any other facilities necessary to connect the building sewer or collecting sewer to the available public sewer at an access point provided by H2GO.
- B. The owner of real property shall, within ninety (90) days of date of notification, make application and connection to the available public sanitary sewer in accordance with the provisions of Article III.

Section 2.2 Prohibition of Septic Tanks, Privies.

The construction or use of any facility other than the public sanitary sewer for the treatment and/or disposal of wastewater in the district shall be prohibited except when the facility is constructed and/or used under a condition set forth below:

- A. The construction and use of a septic tank, or similar facility as determined by the H2GO Engineer and/or Director, or duly authorized representative, may be permitted when it has been determined that premises cannot, at the time the facility is considered, be connected to an available public sanitary sewer, and that there is reasonable expectation that a septic tank can function effectively in compliance with State and County regulations. Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a septic tank permit from the County's Health Department. Such permit shall be provided to H2GO. The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the North Carolina Division of Health Services and the North Carolina Division of Water Quality, or equivalent. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to H2GO.
- B. At such time, in the judgment of H2GO, or duly authorized representative, the public sewer becomes available to property served by a private wastewater disposal system; a direct connection shall be made to the public sewer within 90 days. Unusual or special circumstances, as determined by the director, may result in a waiver of this requirement by the Board of Commissioners of H2GO.
- C. A facility for the treatment and/or disposal of non-domestic wastewater will be permitted when approved by EPA/DWQ, prior to any wastewater discharge, under the regulations and procedures of EPA/DWQ.

Section 2.3. Discharge to Natural Outlets.

It shall be unlawful to discharge to any natural outlet, including storm sewers, within the district or in any area under the jurisdiction of H2GO any wastewater or other polluted waters or solids except where suitable treatment has been provided in accordance with requirements of EPA/DWQ.

Section 2.4. Unsanitary Methods of Discharge.

It shall be unlawful for any person to place or discharge or to permit to be deposited in any unsanitary manner on public or private property within H2GO's district or in any area under the jurisdiction of H2GO, any human or animal excrement, solid waste or other materials which is or may become hazardous, toxic or injurious to public health or safety other than by methods approved by the County Health Department and/or the NCDENR.

Section 2.5. Connections, Building Sewers, and Service Laterals

The intent of H2GO's sanitary sewer system is to require each generator of wastewater to discharge into a public sanitary sewer as soon as a sewer becomes available for connection.

A. Connection Required - Proximity to H2GO Utility Line.

Connection shall be required, as described below, and shall apply to all single-family residential dwellings being within **two hundred (200) feet** of an available public sewer system located in a dedicated public street, roadway, or dedicated public right-of-way or easement that crosses, adjoins or abuts the parcel upon which the building is located. Connection shall be provided for each and every single-family residential and/or commercial building meeting the criteria described below, individually and separately (one connection for each building), unless applicable exceptions apply as described by this regulation.

B. Connection Fees.

All costs and expenses incident to the installation of facilities to connect a privately owned building sewer to the available public sanitary sewer shall be borne by the owner through sewer service connection fees, including but not limited to, tap fee and service lateral installation, capital recovery fee, and impact fees levied by H2GO. Sewer service connection fees shall be paid upon application for connection to the available public sanitary sewer or as specified in this regulation.

C. Separate Connections Required.

As of February 22, 2011 a separate and independent building sewer shall be provided for every building; an exception, as described in Section 3.7, may be granted where one building stands at the rear of the same lot and it is not economically feasible to construct a public sewer and access point to the rear of the building through an adjoining alley, court, yard, driveway or other access. In such event, the building sewer may be extended to the rear building and the whole considered as one (1) building sewer. However, separate wastewater base charges and usage fees shall be charged for each building.

D. Method of Sewer Connection.

1. All connections to H2GO sanitary sewer system shall be made in accordance with provisions and requirements of the plumbing code and H2GO's sewer construction standard specifications. All such connections shall be made at access points prescribed and provided by H2GO; the applicant is responsible for constructing the building sewer and service lateral(s) in a manner necessary to ensure connection at such access point.

2. If any connection exists between a building sewer and public sanitary sewer at a point other than the access point prescribed and provided by H2GO, H2GO may serve a notice upon the owner immediately upon discovery. The owner shall be subject to the provisions of this section; and if service is disconnected, the owner may receive access to a public sanitary sewer only by applying for and paying all applicable connection fees.

E. New Systems and Connections.

New sewer connection applicants who discharge non-domestic waste shall be required to have an approved sampling point prior to connection.

F. Service Lateral Construction - Public Hazard.

All excavations for service lateral installation within public rights-of-way and/or easements shall be performed by H2GO personnel or by a North Carolina licensed utility contractor and shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, plazas and other public and private property disturbed in the course of the work shall be restored in a manner satisfactory to H2GO subject to the terms and conditions as specified by H2GO.

ARTICLE III CONNECTIONS TO SYSTEM

Section 3.1 Application for Service.

Any potential User desiring sewer service must make a written Application for Sewer Service to H2GO upon forms to be supplied by H2GO, setting forth in detail the type of service requested, the location of the property to be served, and such other information as H2GO may require.

Section 3.2 Connection to District Water System.

Connection to H2GO's water system shall be required for all persons, groups, or corporations desiring to connect to H2GO owned and operated wastewater collection systems, if said water system is available and accessible. If requester is not currently connected to H2GO's water system at the time of application for connection to H2GO's wastewater collection system, said requester shall connect to H2GO's water system, at his or her expense, when available and accessible. Requester shall be subject to all connections fees associated with connection to H2GO's water and sewer systems accordingly prior to initiation of said services.

If water is not available or accessible, requester can be allowed to connect to H2GO's wastewater collection system. The requester shall be required to connect to H2GO's water system at the time it is available and accessible to the requester's property,

subject to payment of all connection fees. The requester shall be required to pay sewer rates (flat or otherwise) as approved by the Board of Commissioners.

Section 3.3 Residential and other Users Discharging Standard Strength Wastewater.

All Residential and Commercial Owners owning structures which generate wastewater and which are connected to the Water System shall connect to the Public Sewer System after sewer service has been made available. H2GO shall notify each Owner in writing when the system is available and the Owner shall connect to the System within 90 days after the notice has been mailed by H2GO to the water account address. A summary of applicable Rates, Fees and Charges shall accompany the notice. The requirement to connect shall exist notwithstanding that the Owner has a septic tank or other source of wastewater disposal. If connection is not made within the 90 day period, customer will be billed as if they were connected; If a service lateral does not exist, the Owner will be billed monthly for the sewer base charge; If a service lateral is available to the property, and connection is not made within the 90 day period, the Owner will be required to pay monthly sewer base charges and usage fees based on monthly water usage. Owner will be required to pay the current sewer service connection fees at the time of actual connection.

Section 3.4 Mobile Home Parks.

Owners of Mobile Home Parks connected to the Water System shall connect to the Public Sewer System after sewer service for the Mobile Home Park has been made available. H2GO shall notify each Mobile Home Park Owner in writing when sewer service is available and the Mobile Home Park Owner shall connect to the System within 90 days after the notice has been mailed by H2GO to the water account address. A requirement to connect shall exist notwithstanding that the Owner has a septic tank or other source of wastewater disposal. If connection is not made within the 90 day period, customer will be billed as if they were connected: If a service lateral does not exist, the Owner will be billed monthly for the sewer base charge; If a service lateral is available to the property, and connection is not made within the 90 day period, the Owner will be required to pay monthly sewer base charges and usage fees based on monthly water usage. Owner will be required to pay the current sewer service fees at the time of actual connection.

Section 3.5 Industrial Users.

Industrial Users are not required to connect to the System pursuant to the County Connection Ordinance. No Industrial User shall connect to or discharge wastewater into the Public Sewer System without having first (i) applied to the County for and received a permit in accordance with the terms of the County Sewer Use Ordinance and (ii) filed an Application for Sewer Service with H2GO and received a permit. The application to H2GO shall be for the sole purpose of enabling H2GO to determine if the Public Sewer System has sufficient capacity to accommodate the demands for service placed upon it by the User. H2GO may deny any permit if the capacity of the

System cannot meet the demands placed on it by the User in view of the commitments for service which H2GO may have made and in view of H2GO's Master Plan.

Section 3.6 Connections Made at Owner's Expense.

When the owner of a property under District jurisdiction, including an owner of a non-district sewer system, shall use such property in any manner that results in the generation of wastewater, such wastewater shall be discharged into an available public sanitary sewer. The owner shall install at his expense a suitable building sewer and/or service lateral, as applicable, and shall install any other facilities necessary to connect the building sewer and/or service lateral to the public sewer at an access point provided by H2GO. If public sewer service is not available, see Section 2.2 for restrictions for on-site disposal methods. Also, if public sewer service is not available, see Article V for regulations for new development.

Section 3.7 Method of Connection.

Connections to the System will be made in accordance with the following requirements:

- A. All connections shall be made in accordance with the provisions of the Plumbing Code and H2GO specifications.
- B. A separate and independent Building Sewer shall be provided for every building. An exception may be requested where one owner owns the property and it is not economically feasible for H2GO to construct a sewer to each separate building and/or the owner applies to H2GO for multi-buildings to be connected to one (1) tap. In such event, the Building Sewer may be extended to the other building(s) and the whole considered as one (1) Building Sewer. However, separate Base Charges, Usage Fees, Impact Fees, and Capital Recovery Fees shall be charged to each building.
- C. All Building Sewers shall be brought to the building at an elevation below the lowest floor level having sanitary facilities. In all buildings in which any building drain is below a point which will not permit a minimum slope of the Building Sewer of 2% (1/4 inch per foot), wastewater carried by such Building Sewer shall be lifted by pumping units or other approved means and discharged through a Building Sewer having that minimum slope. Costs of the pumping units, piping, permitting, operation, maintenance and power shall be borne by the Owner.
- D. No connections that will allow inflow to enter H2GOs wastewater collection system shall be permitted. Such prohibited connections shall include but not be limited to the connection of roof downspouts, exterior foundation drains, swimming pool backwash, or other sources of storm water or groundwater to a service line that is connected directly or indirectly to a public sanitary sewer. If any connection exists between a service line and public sanitary sewer that

allows inflow to enter to H2GO's wastewater collection system, H2GO may serve notice upon the owner immediately upon discovery. The owner shall be subject to the provisions of this section; the owner shall be responsible for removing all such connections, at their own expense, according to H2GO specifications and may be subject to penalty.

- E. The Building Sewer shall include any preliminary treatment, pretreatment, flow equalizing facilities for grease, oil, grit and sand traps or other interceptors as required by Appendix A of these rules and shall otherwise comply with the County Sewer Use Ordinance.
- F. Connections to the Public Sewer System will be made at the tap installed for the structure to be served.
- G. Water service from H2GO must be available to the structure to be served and the structure must connect to the Water System at the time of connection to the Sewer System, in accordance with Section 3.2, unless a specific wavier is granted by the Director.
- H. All plumbing fixtures or outlets connected to the public sanitary sewer system that are located below the level of the top of the first upstream manhole shall be equipped with an approved backflow device, or the building sewer shall be so equipped.
- I. Building drain connections to building sewers, service laterals and connections to the System must be inspected and approved by H2GO before water service meters will be installed by H2GO. All connections for sewers on private property shall be inspected and approved by H2GO before the trench is backfilled, whether the pipes have been installed within the building or not. Sewer pipes, main drains, building sewers, and/or service laterals are not to be raised, lowered or otherwise changed except under the inspection and authorization of H2GO.
- J. The plumbing system of each new building and of new work installed in any existing building on premises with an available public sewer shall be separate from and independent of that of any other buildings and every building shall have an independent connection with a service lateral, except as provided below: Exception. Where one building stands at the rear of the same lot and it is not economically feasible to construct a public sewer and access point to the rear of the building through an adjoining alley, court, yard, driveway or other access. In such event, the building sewer may be extended to the rear building and the whole considered as one (1) building sewer. However, separate wastewater base charges and usage fees shall be charged for each building.
 - 1. A common sewer connection will be permitted to serve more than one (1) building in the following categories:

- a) Apartments;
 - b) Townhouse developments;
 - c) Condominium developments;
 - d) Planned unit developments;
 - e) Hotels, motels;
 - f) Hospitals;
 - g) Warehouses and industrial buildings engaged in only one (1) business,
 - h) Schools;
 - i) Mobile home parks;
 - j) Shopping centers;
 - k) Churches;
 - l) Other buildings under common management, as approved by the Director.
2. A common sewer connection, including a private sewer collection system, will be permitted to serve the above categories of buildings meeting the following minimum requirements:
- a) The building or buildings to be served are in compliance with the County's zoning and subdivision ordinances.
 - b) The building permit and plat show a single owner or several owners with a common management agreement and indicates that the complex of buildings will be constructed on a single tract.
 - c) All sewer construction with easements shall be in accordance with H2GO, state and federal standards and specifications; and all other sewer construction shall be in accordance with the North Carolina plumbing code. Any construction that requires only cleanouts to be installed shall be performed by a North Carolina licensed master plumber or a North Carolina licensed utility contractor. All construction requiring manholes shall be performed by a North Carolina licensed utility contractor. The owner(s) or management of such complexes shall remain the owner of said private sanitary sewer systems and be responsible for the operation and maintenance of the collection system.
 - d) Should a building within such a complex be conveyed to a new owner without a common management contract, H2GO shall require a sewer connection from that building(s) to H2GO's available public sewer main.
3. All costs and expenses incident to the installation of facilities to connect a privately owned service line to the available public sanitary sewer at the property line shall be borne by the owner through sewer service connection fees, including but not limited to, tap fee, capital recovery fee, and impact fee levied by H2GO. Sewer service connection fees shall be paid upon application for connection to the available public sanitary sewer.

Section 3.8 Maintenance of Building Sewer/Damages.

Whenever a Building Sewer connected to the System becomes clogged, broken, out of order or detrimental to the use of the System, the Owner of any building or premises through which the Building Sewer collects wastewater shall, upon notification by the Director, reconstruct, alter, clean or repair the Building Sewer, as the condition of such may require, within ten (10) days after receiving notification. Any Person violating any provision of these Rules and Regulations, or any Person who shall have broken, damaged, destroyed, uncovered, defaced or tampered with any structure, appurtenance or equipment which is part of the System shall be liable to H2GO for any expense, loss or damage suffered by H2GO by reason of such violation or damage, including but not limited to the costs of investigation; expert fees, tests and analyses, and reasonable attorney's fees. If a sewer force main, pressure sewer, gravity line or service lateral is damaged and the damage results in sewage being spilled or released and/or the infiltration of water, sand or other debris occurs, H2GO shall make all necessary repairs and the person causing such damage shall pay to H2GO, in addition to the amounts set forth above in this section, a Service Charge (in the applicable amount set out in the Rates and Fee Schedule) plus any fines imposed by NCDWQ or NCDENR; provided, however, no Service Charge or NCDWQ/NCDENR fine shall be due if the Person requested that H2GO locate the damaged lines before the damage occurred, gave H2GO a reasonable time to accomplish such location and the damaged lines either were not located or located more than 3 feet horizontally from the actual location of the line.

Section 3.9 Applications.

Each User required to connect to the System pursuant to these Rules and Regulations shall submit an Application for Sewer Service to H2GO on form(s) provided by H2GO at least five days before connecting to the System and shall have paid or made satisfactory arrangements for payment, if a financing option is available, on Impact and Capital Recovery Fees and connection fees due at the time. Industrial and Significant Industrial Users shall submit an application at least 30 days prior to the anticipated connection date. Within 15 days after receipt of an application from an Industrial or Significant Industrial User, H2GO shall notify the User in writing of all requirements for connection dictated by these Rules and Regulations.

ARTICLE IV

PROHIBITED DISCHARGES AND PRE-TREATMENT

Section 4.1 Prohibited Discharges.

No Owner or User shall make any discharge to the System prohibited by Appendix A.

Section 4.2 Interceptors.

Each Commercial/Industrial Owner and User at its own expense shall install such grease traps, oil traps, sand and grit traps and other interceptors at their own expense in accordance with Appendix A, so that prohibited discharges are not made to the System. The Director shall approve the type of such interceptors installed. The Owner/User shall be serviced and emptied as outlined in Appendix A, so that they operate as intended. Waste removed from such interceptors shall not be discharged into the System and the Owner/User shall be responsible for the disposal of interceptor waste.

Interceptor tanks as part of a small diameter gravity sewer system, located between the building sewer and service lateral, are considered a part of the service lateral. Operation, maintenance, and disposal of waste from these interceptor tanks are by H2GO.

Section 4.3 Pretreatment.

Each Owner/User shall comply with the waste water pre-treatment standards of Appendix A.

ARTICLE V

NEW DEVELOPMENT

Section 5.1 Required Sewer Improvements.

All subdivisions in H2GO which receive approval after August 1st, 2003, shall install, at the applicant's sole cost and expense, a sewage collection system (the Sewer Improvements) designed and built in accordance with the provisions of these Rules and Regulations and the subdivision ordinance of any municipalities to which H2GO provides sewer service) as may be applicable. The following exemptions shall apply:

A subdivision with five (5) lots or less may be granted an exemption upon review and approval of the Director provided the following conditions are met:

- A. The subdivision is neither in an existing sewer area nor in an area planned to be sewer within two (2) years of the application for approval of the subdivision.
- B. All lot Owners within the subdivision will be assessed by H2GO for the full cost of H2GO providing sewer services to the subdivision at the time that sewer becomes available to the subdivision. An appropriate note must be recorded on the subdivision plat and placed as a restriction on all deeds.

Section 5.2 Application.

Written Application for Sewer Service (on forms provided by H2GO) shall be made to H2GO by any person intending to construct Sewer Improvements in H2GO.

Section 5.3 Inspections of Required Improvements

Inspections during the installation of site improvements shall be made by the entity responsible for such improvements as required to certify compliance with approved site plans. No improvements shall be accepted for maintenance by H2GO unless and until the requirements regarding water and sewer improvements have been met.

Section 5.4 Site Plan Amendments

- a) Minor changes to the approved site plan, such as those resulting from field conditions or which result in an equivalent or better performance may be approved by the Director in conjunction with the H2GO engineer.
- b) Significant changes to the approved site plan, as determined by the Director shall be resubmitted for review and approval by the approving authority as if they were a new application.
- c) Developer shall ensure accuracy of recorded maps against file copy of H2GO.

Section 5.5 Improvement Guarantees

- a) Security Required

In lieu of requiring the completion, installation, and dedication of all improvements prior to final plat approval, H2GO may enter into an agreement with the developer whereby the developer shall agree to complete all required water and sewer improvements. This agreement shall be accompanied by a survey plat indicating the property boundaries and lot lines (if applicable) of the area subject to the agreement. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Executive Director, if all other requirements of this rule are met. To secure this agreement, the developer shall provide, subject to the approval of the H2GO Board, either one or a combination of the following guarantees equal to 125% of the cost to install, test, certify, furnish as-builts, and make operational the water and sewer infrastructure improvements as provided herein:

1. Letter of Credit, Surety Performance Bond, or Cash Security

- a. The developer shall deposit, 1) an irrevocable letter of credit issued by any financial institution licensed to do business in the State; or 2) a surety bond issued by any company authorized to do business in the State; or 3) other instrument readily convertible into cash at face value, either with H2GO or in escrow with a financial institution designated as an official depository of H2GO.
 - b. The amount of the deposit shall be equal to, either alone or in combination with any other security discussed in this section, to a total amount equal to 125% of the cost to install, test, furnish as-builts, and make operational the infrastructure improvements,, as estimated and sealed by the developer's engineer and approved by H2GO. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the developer shall file with H2GO an agreement between the financial institution and the developer guaranteeing the following:
 - c. That said escrow account shall be held in trust until released by H2GO and may not be used or pledged by the developer in any other matter during the term of the escrow; and
 - d. That in the case of failure on the part of the developer to complete said improvements the financial institution shall, upon notification by H2GO and submission by H2GO to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to H2GO the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to H2GO any other instruments fully endorsed or otherwise made payable in full to H2GO.
2. The developer shall choose the duration of the performance guarantee with the minimum duration of one year. If the improvements are not complete and the current performance guarantee is expiring, the performance guarantee shall be extended, or a new performance guarantee issued for an additional minimum one year period until such required improvements are complete.
 - a. The expiration of a performance surety does not constitute satisfactory installation of the improvements.
 - b. An extension with or without a reduction in estimated quantities in a performance guarantee required by this section may be approved by the Executive Director.

- c. The form of an extension shall remain at the election of the developer, but any change in performance guarantee will require a new agreement with the H2GO Board of Commissioners.
- d. Any extension of a performance guarantee necessary to complete required improvements shall not exceed 125% of the reasonably estimated cost of completion for H2GO to install, test, certify, create as-builts, and make operational the improvements of the remaining incomplete infrastructure still outstanding at the time the extension is obtained.
- e. Any extension with a change of estimated quantities of the performance guarantee shall provide a reasonable estimated cost in the same manner indicated in subsection (1) (b).
- f. Unit pricing shall be current market rate of materials and labor which H2GO would be able to complete if the guarantee is defaulted.

b) Default

The developer shall demonstrate reasonable, good faith progress toward completion of the required improvements that are subject of the performance guarantee or any extension. Upon default, meaning failure on the part of the developer to complete the required improvements in a timely manner as spelled out in the performance guarantee or escrow agreement, then the surety, or the financial institution holding the escrow account shall pay all or any portion of the financial guarantee or escrow fund to H2GO up to the amount needed to complete the improvements based on an engineering estimate approved by H2GO. Upon payment, H2GO may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements.

c) Release of Guarantee Security

1. The Board of Commissioners may release a portion of any security posted as the improvements are completed, approved, certified, and proper deed and dedication is complete.
2. In the event that the applicant wishes to occupy any building or any portion of any building prior to the completion of the required site improvements, the financial guarantee guaranteeing improvements shall be retained by H2GO until the remaining required improvements are completed.
3. Regardless of the accepted performance guarantee in effect at the time, H2GO will not permit final service connections until the improvements are certified to the State, and roadways, adjacent to or leading to the utility

improvements, meet the minimum standards necessary for emergency vehicle access.

Section 5.7 Requirements for Sewer Improvements.

Sewer Improvements shall meet the following requirements:

- A. All Sewer Improvements shall be designed and constructed in conformance with design standards for the System as designated and maintained by H2GO. H2GO may require Sewer System Improvements, where feasible, to include re-use lines for transporting treated effluent from treatment plants to golf courses or other areas where effluent can be discharged at the development.
- B. The applicant shall employ a competent engineer at its expense to prepare plans for the Sewer Improvements. The engineer shall be registered in the State of North Carolina. H2GO will provide base sheets and one (1) set of technical master specifications (at cost) to be used to prepare the construction documents for the Sewer Improvements.
- C. The completed plans and specifications shall be submitted to H2GO for review by the Technical Review Committee (TRC) for approval by the Board of Commissioners prior to submittal to other agencies. Approval of plans and specifications by H2GO does not relieve the applicant from obtaining any and all approvals necessary for the construction of the Sewer Improvements.
- D. H2GO shall have the authority to release construction plans and specifications approved by it. Applications to other agencies shall be submitted in the name of H2GO. The applicant will pay all application fees.
- E. The applicant shall engage a licensed and reputable contractor to construct the Sewer Improvements.
- F. Prior to any construction of sewer improvements, securities must be provided in accordance with Section 5.6 of these rules.
- G. H2GO shall inspect the Sewer Improvements during and after construction. Prior to placing Sewer Improvements in service, the applicant shall satisfy H2GO that they were built in accordance with the approved plans and specifications. The applicant's engineer will certify in writing that infiltration rates are within the limitations required in the specifications and the system has been installed in accordance with the plans and specifications.
- H. The applicant's engineer will modify the original approved drawings as necessary to provide accurate reproducible as-built drawings, both drawn and digital, to H2GO upon completion of construction.

- I. Through appropriate legal documents such as deeds and recorded plats, the applicant shall dedicate to H2GO all Sewer Improvements and all easements, rights-of-way or fee simple parcels on which the Sewer Improvements may be located. When applicable, three party encroachment agreements must be obtained from public authorities prior to the commencement of construction. Minimum easement width shall be twenty (20) feet unless the Technical Review Committee (TRC) determines that exceptional topographic characteristics justify a greater width.
- J. The applicant shall provide H2GO a notarized certification of payment of all contractors.
- K. The applicant shall indemnify H2GO for any damages or injury to persons or property by reason of the Sewer Improvements, their construction, maintenance or repair.
- L. No construction of any Sewer Improvements shall be initiated until approvals have been granted by H2GO and all other appropriate agencies.
- M. Any subdivisions to which or in which the Sewer Improvements are to be made must have been approved by the County or the municipality in which the subdivision is located, as the case may be.
- N. The minimum size gravity collection sewer line will be eight (8) inches inside diameter.
- O. No provisions in this section shall be construed to obligate H2GO to accept any Sewer Improvements that fail to comply with the requirements of these Rules and Regulations.

Section 5.8 Acceptance Procedures for Sewer Extensions.

As part of the Sewer Improvements, applicant will make, at applicant's sole cost and expense, all extensions to H2GO's gravity lines, out falls, and force mains and construct such lift stations and other apparatus as are required to connect the Sewer Improvements to the System (hereinafter referred to as Sewer Extensions). In addition to satisfying the requirements for Sewer Improvements, Sewer Extensions shall be subject to the following additional provisions:

- A. At the request of the applicant, and as time allows, H2GO could provide manpower to acquire rights-of-way at the locations of all Sewer Extensions to be constructed by the applicant which coincide with H2GO's Master Plan. Prior to purchase of said rights-of-way, the applicant shall pay all costs associated with the acquisition, including personnel, legal and Owner compensation costs.
- B. H2GO may require the applicant to construct Sewer Extensions at a size greater than otherwise required to serve the applicant's specific subdivision. Or the

engineer may design excess capacity in the system due to size limitations of pipe. In such cases, H2GO shall reimburse the applicant for the installation cost difference between the facilities required by H2GO and those required to serve only the applicant. District reimbursement shall be by the following method:

1. Reimbursement/ Developers Agreement. A Reimbursement Agreement for Developers requesting to extend sewer transmission mains to be connected to H2GO's sewer system may be approved by the Board of Commissioners. (For the purposes of an agreement, a sewer transmission main may include force mains, wet wells, pump stations, treatment plants and gravity sewer) A Developer of land within the Service Area of an H2GO sewer/wastewater collection system shall be responsible for all engineering and construction costs associated with the transmission main's installation from the development site to the closest point of connection to H2GO's System. The closest connection point to H2GO's system shall be linearly determined, and H2GO Director shall resolve disputed distances. Upon completion of construction of the main, said main shall be dedicated to H2GO for operation and maintenance. The Developer incurring the costs for the construction of the transmission mains shall be eligible for reimbursement up to but not exceeding one hundred percent (100%) the actual costs associated with construction or upsizing the main for a period of eight (8) years (longer periods may be approved by the Board):
 - a. H2GO's minimum standard pipe size for sewer transmission mains shall be eight (8) inches (nominal diameter).
 - b. When sound engineering demonstrates the proposed new development or project requires a sewer transmission greater than eight (8) inches (nominal diameter) then that size becomes the minimum pipe size by which this agreement is based upon;
 - c. Once the minimum pipe size is determined, the cost difference shall be determined between the pipe size required to provide sewer service to the proposed new development or project and the pipe size required by H2GO to serve the new development or project and others, either existing and/or future. The Developer shall be eligible for reimbursement for no more than one-hundred percent (100%) of the estimated cost for construction of the transmission main pipe sized to meet the design requirements for the affected development or project.
 - d. The cost difference established in (3) above shall then be used in determining the reimbursement for which the Developer shall be eligible for as related to the betterment, defined as the up-sizing or over-sizing of lines, wet wells, pump stations to a size greater than what is required to serve the individual development or project, as may be required by H2GO. The Developer shall be eligible for no more than one-hundred percent (100%) of the cost of the betterment;

- e. One-half (1/2) of the capital recovery fees collected by H2GO within the affected development or project of the Developer will be reimbursed to the Developer on an annual basis based on the number of system connections made during the preceding twelve (12) months.
- f. Each Developer that develops a tract of land that is adjacent and accessible to a sewer transmission line constructed by another developer shall pay a pro rata portion equal to one-half (1/2) of the documented construction cost of the betterment based on the location and distance from the subsequent development site to the original connection point to H2GO's system. The distance / length of line upon which the subsequent developers pro rata charges will be based shall be determined by H2GO's Utilities Director. Pro rata payments collected by H2GO shall be reimbursed to the initial developer during the eight (8) year period following completion of construction of the line. In no case shall any developer be reimbursed more than the actual documented construction cost for the original line betterment. Pro rata payments collected by H2GO that exceed the documented initial construction cost of a particular transmission line shall be retained by H2GO and used for system upgrades, expansions and payment of debt service. Pro rata transmission line payments shall be submitted to H2GO by the affected developer(s) prior to connecting to H2GO's system.
- g. The term of a reimbursement agreement shall not exceed ten (10) years from the time of approval by the Board of Commissioners. Reimbursement payments shall be made to the Developer that constructs the initial transmission line, on an annual basis on or before the 31st day of January from capital recovery fees as paid and available.

Upon request by the applicant and where practical and legal, a Sewer Extension may be included during construction of the System as a change order. In such cases, the applicant shall pay H2GO for all acquisition, design and construction costs prior to the commencement of construction.

Section 5.9 Sewer Construction Requirements.

A. Required sewer improvements in subdivisions.

All subdivisions in H2GO's jurisdiction shall be required to install a sewage collection system that shall be designed and built in accordance with the provisions of H2GOs specifications and EPA/DWQ requirements.

1. ***Extensions to District's Sewer System.*** All extensions to connect to H2GO's sewer system shall be designed with maximum use of gravity flow pipeline facilities wherever feasible. In any case where sewer service is required and a choice exists for pumped service verses gravity service, then gravity service

shall be constructed unless proven otherwise infeasible by the Developer/Owner or the Developer/Owner's Engineer to the satisfaction of H2GO. All pump stations installed to serve one (1) or two (2) individual, single-family units or one (1) single, individual commercial or industrial sewer customer shall be constructed, operated and maintained by that sewer customer. All pumped systems shall be permitted and require an agreement with the property owners (i.e., property owner's association or individually) for a private contractor to operate and maintain the individual pumping facilities providing each lot or unit sewer service. The District shall not own or operate these types of facilities.

2. Dry Sewer Requirement. All new development and/or projects proposed in areas where H2GO sewer is not currently available but is scheduled to be installed within three (3) years of completion of the development and/or project shall be required to install "dry" sewer infrastructure. The sewer infrastructure, including, but not limited to, mains, service taps, clean-outs, pumping stations, manholes, etc., shall be constructed in accordance with H2GO's sewer construction standard specifications and shall be approved by H2GO and the State prior to construction.

- B. Use of septic systems; interim arrangements. If District sewer is not available to the development or project, but is scheduled to be available according to H2GO's master plan, the developer may choose to use septic tanks or some approved variation thereof. These systems shall be approved and constructed in accordance with the County's Health Department and all other applicable regulatory agencies. The owner/developer shall connect all septic tank systems to the public sewer system, at his expense, once public sewer is made available by H2GO.

C. Acceptance Procedures for All Sewer Systems.

1. Written application shall be made to H2GO by the owner who intends to construct sewer improvements in H2GO's sewer jurisdiction, offer previously constructed sewer improvements in H2GO for acceptance; or construct an extension in H2GO connecting his sewer system to H2GO system. All such applications and all such sewer improvements constructed and connected to H2GO's sewer system shall be subject to the following requirements:
 - a) All sewer systems shall be designed and constructed in conformance with H2GO construction standard specifications.
 - b) The applicant shall employ a North Carolina registered engineer at its expense to prepare plans for the proposed sewer improvements. The engineer shall be registered in North Carolina.
 - c) The completed plans and specifications shall be submitted to H2GO for review by the TRC committee and approval by the Board of Commissioners prior to submittal to other agencies. Approval of plans and specifications by

H2GO does not relieve the applicant from obtaining any and all approvals necessary for the construction of the sewer project.

- d) H2GO shall have the authority to release plans and specifications approved by H2GO Engineering Services to the State of North Carolina (DWQ) for approval. By the adoption of this section, H2GO authorizes the Director to approve final, record drawings ("as-built") and accept sewer systems, utility easements, rights-of-way and other elements as offered. Applications to other agencies shall be submitted in the name of the Brunswick Regional Water and Sewer. All application fees and other applicable fees shall be paid by the applicant.
- e) The applicant shall engage a North Carolina licensed utility contractor, acceptable to H2GO, to construct the proposed sewer mains and appurtenances.
- f) H2GO shall, from time to time, observe the installation and construction of sewer mains and associated appurtenances as required. Prior to placing sewer infrastructure and related equipment in service, the applicant shall satisfy H2GO that the sewer mains and appurtenances were built in accordance with the approved plans and specifications. The applicant's engineer shall certify, in writing, that inflow and infiltration rates are within the limitations required in the specifications.
- g) The applicant's engineer shall modify the original approved drawings as necessary to provide accurate reproducible record drawings ("as-built") to H2GO upon completion of construction of the sewer lines.
- h) Through appropriate legal documents such as deeds, lien waivers and recorded plats, the applicant shall offer to dedicate to H2GO all sewer infrastructures and related equipment and all easements, rights-of-way or fee simple parcels on which the sewer infrastructure and related equipment may be located. When applicable, encroachment agreements must be obtained from public authorities prior to the commencement of construction. Minimum easement width shall be twenty (20) feet unless the Director determines that exceptional topographic characteristics justify a greater width.
- i) If any sewer improvements have been constructed within one (1) year of application, the applicant shall provide H2GO a notarized certification of payment of all contractors.
- j) The applicant shall indemnify H2GO for any damages or injury to property by reason of the sewer system or its construction, maintenance or repair.
- k) No construction of any sewer improvements shall be initiated until approvals have been granted by H2GO and all other appropriate agencies.

- l) Any developments to which or in which the sewer system is to be extended must be approved by H2GO and by the State of North Carolina.
- m) H2GO must have sufficient treatment capacity, without affecting prior commitments, in the treatment plant that will receive the wastewater.
- n) The minimum size gravity collection sewer line will be eight (8) inches inside diameter, unless deemed otherwise by the Director.
- o) If the applicant is seeking to connect a private collection system which existed prior to H2GO's sewer collection system, subsections (a)(1), (2), (3), (5), (6) and (7) of this section shall apply only in respect to the construction of the connection from the applicant's system to H2GO's system. All other requirements of this section shall apply in their entirety, and the following additional information shall be submitted:
 - i. Reproducible original plans depicting the "*as-built*" system.
 - ii. Dates of construction.
 - iii. Construction materials.
 - iv. Total value of assets.
- 2. No provisions in this section shall be construed to obligate H2GO to accept any system or parts of a system. H2GO may reject any system or parts of a system that fails to comply with the requirements of this section and/or with H2GO's construction standard specifications.

D. Additional Acceptance Procedures for Sewer Extensions.

An applicant for sewer extensions shall be subject to the following additional provisions:

- 1. At the request of the applicant, and as time allows, H2GO may provide manpower to acquire rights-of-way at all of the applicant's sewer line locations that coincide with H2GO sewer jurisdiction and/or master plan. Prior to purchase of the rights-of-way, the applicant shall pay all costs associated with the acquisition, including personnel, legal and property owner compensation costs, etc.
- 2. The applicant shall pay all costs involved in constructing the extension, including but not limited to trunk sewer lines, force mains, sewer laterals and right-of-way acquisitions.
- 3. When sufficient District funds are available, H2GO may require the applicant to construct a proposed trunk extension, sewer laterals, force main extension, pump station, outfall extension, treatment plant or other improvement at a size

greater than otherwise required by District minimum requirements. In such cases, H2GO shall reimburse the applicant for the installation cost difference between the facilities required by H2GO and the otherwise applicable minimum requirements. District reimbursement shall be by one of the following methods, at the option of H2GO:

- a) Cash payment to the applicant, with payment occurring on the date that the improvement was scheduled to be constructed by H2GO; or
 - b) In the case of outfall extensions, or collection lines with excess capacity, assignment by H2GO to the applicant of H2GO's rights to future sewer impact/transmission fees from adjoining property owners served by applicant's oversized sewer improvements.
4. Upon request by the applicant and where practical and legal, an extension may be included in H2GO's construction as a change order. In such cases, the applicant shall pay H2GO for all acquisition, design and construction costs prior to the commencement of construction.
5. The applicant shall submit any required special agreements for sewer extensions to H2GO attorney for approval. Any permit to make any such extension or connection shall not be transferable and shall be limited to the time stated in the permit.

ARTICLE VI

QUALITY AND QUANTITY DETERMINATIONS.

Section 6.1 General

The Utilities Director/Superintendent shall, from time to time, have tests made to determine the quality of waste being discharged into the public sewer from individual users of the wastewater system or from connections of service lines carrying composite waste from domestic users and/or industrial users and from connections including the premises of industrial waste discharge permit holders. If at any time such waste becomes of such a quality and/or quantity that requires pretreatment, the Utilities Director shall have the authority to require that proper permits be obtained and proper pretreatment facilities be installed by the permit holder at his expense.

In the event of a significant change in a wastewater system user's wastes being discharged to the public sanitary sewer, the user shall promptly notify the Utilities Director/Superintendent of the nature of the change in quality or strength and in volume. These changes shall be subject to verification by H2GO. Appropriate remedies for the adequate treatment of such wastes thus tested may be required by the Utilities Director/Superintendent. "Significant" means a change of ten (10) percent or more in strength and/or volume of wastes.

Section 6.2 Standard of Waste Discharge and Delivery.

- A. The delivery of all effluent from a user to the public sanitary sewer shall be at a reasonable and uniform discharge rate, as produced without storage except that which is necessary in the pretreatment or equalization facilities of the waste producer.
- B. Wastes will be accepted which have satisfactory conditions or quality after pretreatment by the industrial user in a pretreatment facility and/or by a process which has been approved by the director and which is continuously maintained and operated by the producer at no cost to H2GO and which is continuously subject to inspection by the director or his designated representative.

Section 6.3 Portable Toilet Waste.

- A. Portable toilet wastes that contain exclusively domestic wastes and are not acceptable for disposal by land application under seepage regulations of North Carolina may be discharged to the public sanitary sewer provided such discharge shall conform to all conditions of this section. No septic tank wastes or industrial wastes shall be discharged along with portable toilet wastes.
- B. All persons desiring to discharge portable toilet wastes in the manner prescribed shall apply to the Utilities Director/Superintendent, and if the Utilities Director/Superintendent determines that such wastes must be discharged under controlled conditions to protect public sewer collection and treatment facilities, shall obtain a waste discharge permit from the Utilities Director/Superintendent. This permit, if required by the Utilities Director/Superintendent, shall include provisions for the approved location of discharge, acceptable times, rate and quantity of discharge, acceptable quality of discharge, procedure for approving chemical additive types and methods of control odor, requirements for periodic sampling and chemical analysis of wastes, and record keeping required.
- C. All persons authorized by permit to discharge portable toilet wastes shall pay a special fee in advance of each discharge of portable toilet wastes as set forth in the fee schedule.

Section 6.4 Quality Determination/Effluent Sampling.

- A. Periodic measurements of flow, suspended solids, BOD⁵, ammonia nitrogen and other appropriate waste characteristics for surcharge determination and other purposes shall be made by those permittees specifically designated by the Utilities Director/Superintendent. The Utilities Director/Superintendent shall determine the number of twenty-four (24) hour flow measurements and samples required. Continuous monitoring may be required by the Utilities Director/Superintendent in

cases involving large fluctuations in quantity or quality of wastes, or if the wastewater appears to have characteristics which may damage the receiving system. All expenses associated with such monitoring and sampling shall be borne by the permittee(s).

- B. All public sanitary sewer users whose total average discharge is greater than 25,000 gallons per day, or whose total average discharge has a flow or pollutant loading requiring utilization of greater than five percent of the design capacity of H2GO's treatment works, shall, unless exempted by the Utilities Director/Superintendent, install and maintain, at the user's expense, facilities for continuously measuring and sampling the total waste discharge. This requirement may be waived for a particular user only when the quantity, flow rate and characteristics of the wastewater can be adequately determined without such structures; when the physical arrangement of industrial plant facilities with respect to sewer facilities make such an arrangement unusually costly and other means of ascertaining the quantity, flow rate and characteristics can be devised; or when previous sampling facilities have been built by either the District or a prior owner. When the POTW Director/Superintendent shall determine for such facilities discharging less than 25,000 gallons per day that the nature of the discharge and/or conditions of the permit warrant continuous monitoring and sampling, the Utilities Director/Superintendent may require such user to install and maintain sampling facilities as stated in this section.
- C. All flow measurements, sampling and analysis shall be performed by qualified personnel; all laboratory analyses of industrial wastewater samples shall be performed by an EPA/DWQ certified laboratory in accordance with current standard chemical analysis methods for wastewater established by EPA/DWQ. All samples shall represent the normal wastewater flow from the premises over a twenty-four (24) hour period. The samples shall be composite according to the flow either manually with at least one sample collected hourly, or by automatic integrated equipment. Sampling for all monitoring parameters shall be in accordance with current standard analysis methods for wastewater approved by the EPA/DWQ.
- D. Where a permittee operates as an integrated complex involving varying processes and having separate industrial waste sewer connections within the same contributory area, such permittee may be considered as one unit with multiple connections. An analysis for each connection may be combined in proportion to the flow from the connection, and the weighted average of the results thus obtained may be used as the measure of the total flow and concentration of the wastewater discharged into the public sanitary sewer.
- E. The handling, storage and analysis of all samples taken for the determination of the characteristics of waste discharged shall be performed in accordance with standard methods.
- F. H2GO may test for quality, to include sampling, any of the waste being discharged to the public sanitary sewers at any time. A duly authorized representative of the

Utilities Director/Superintendent may enter an industrial user's facility at any time, during business or operational hours, for this purpose or for reviewing operations in the user's facility to estimate the quality and quantity of wastes being discharged

Section 6.5 Quantity Determination.

- A. Unless otherwise provided, the quantity of wastewater delivered to the public sanitary sewers shall be the same as the water metered by meter on the water supply system. The delivery capacity of a private water source must be metered at the sewer user's expense, using an accurate and dependable metering device approved by H2GO. This is only allowed if H2GO's water system is not available to the facility. The wastewater system user shall pay to H2GO the cost of service incurred by periodic water meter maintenance, water meter reading and wastewater service billing. Such water metering devices shall be available to District personnel at all reasonable times.
- B. Should the user evaporate or otherwise dispose of water produced from its water supply, it shall be the obligation of the user to install at his expense such meters or other flow measurement devices to accurately determine the portion or quantity of the metered water delivered to the wastewater system.
- C. The POTW Director/Superintendent may establish a constant ratio; factor or percentage to be applied to the metered water quantity produced from the wastewater system user's sources in order to estimate the quantity of wastewater delivered by the user. Determination of this factor shall be the responsibility of the user as will the demonstration of the accuracy and generality of the factor to obtain the Utilities Director/Superintendent's approval. The value of this factor will be periodically reviewed for accuracy and may be revised.
- D. All domestic and industrial users served by H2GO wastewater system shall pay a sewer user charge to H2GO in accordance with this section.
- E. Where no payment procedure is established, it shall be the obligation of the owner in all instances to immediately submit to the Utilities Director/Superintendent a statement concerning water consumption and disposal upon which wastewater service fees can be determined. If changes in the consumption and disposal conditions so stated take place after billing rates and charges have been initially established, a further statement is required to be submitted on forms supplied by the Utilities Director/Superintendent.

Section 6.6 Powers and Authority of Inspectors.

- A. The Utilities Director/Superintendent and other duly authorized agents or employees of H2GO bearing proper credentials and identification shall be permitted to enter all properties, privately and publicly owned, for the purposes of meter reading, inspection, observation, and measurement, gauging, sampling and

testing in accordance with the provisions of this article. The Utilities Director/Superintendent or his representatives shall have no authority to inquire into any processing, including those of the metallurgical, chemical, oil refining, ceramic, paper or other industries, beyond that point having a direct bearing on the volume, nature and source of discharges to H2GO's wastewater collection system and/or storm sewers or other natural outlets.

- B. While performing the necessary work on private properties referred to in subsection (a) of this section, the Utilities Director/Superintendent or duly authorized employees and agents of H2GO shall observe all safety rules applicable to the premises established by the owner.
- C. The property owner shall not be released from liability to any extent if a District agent or employee is injured while making inspections which are pursuant to this section on privately owned property as a result of negligence on the part of the private property owner or any of his agents or employees.

ARTICLE VII ENFORCEMENT.

Section 7.1 Discontinuation of Service.

H2GO may discontinue wastewater treatment and disposal service to a customer when:

- A. A government agency having jurisdiction informs H2GO that the effluent from the publicly owned treatment works (POTW) is no longer of quality permitted for discharge to a watercourse or to land application site(s), and it is found that the customer is delivering wastewater to the wastewater system that cannot be sufficiently treated or that requires treatment that is not provided by H2GO; or
- B. The customer commits any of the following actions:
 - 1. Discharges industrial wastewater of quality or quantity that is in violation of the waste discharge permit, commits any action prohibited by such permit or fails to comply with any required provision of such permit.
 - 2. Discharges waters or wastes having a deleterious effect upon the wastewater system.
 - 3. Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater system and/or the wastewater treatment process.
 - 4. Fails to pay user charges or other fees for wastewater services when due.

5. Discharges prohibited wastes to the public sanitary sewer.
6. Makes a connection of a service line to a public sanitary sewer at a point other than the publicly provided access.
7. Discharges inflow or uncontaminated cooling water or process water into the public sanitary sewer.
8. Fails to properly clean and dispose of wastes collected in grease or grit interceptors.
9. Discharges industrial wastewater under provisions of a waste discharge permit issued to a person other than the customer discharging the wastewater.
10. Fails to renew expired waste discharge permit.
11. Fails to meet compliance schedules established upon mutual agreement of the customer and H2GO.
12. Otherwise violates the provisions of this regulation or fails or omits to perform in such a manner as to constitute good cause for disconnection contrary to the purpose and intent of this regulation.

Section 7.2 Procedure for Discontinuation of Service.

- A. H2GO shall serve a written notice to the owner allegedly violating any provision of this regulation. This notice shall state the specific nature of the violation and provide the owner not more than five (5) working days to inquire regarding the notice or correct the violation. If the owner feels he is not in violation, or that compliance requires greater than five (5) working days, he may request a hearing before the Utilities Director/Superintendent. If the owner does not respond within the time prescribed in the notice, H2GO may immediately discontinue service to the owner upon the expiration of the prescribed time. If service is discontinued due to violation of one or more of the provisions under Section F.1, discontinuation of service shall result by the removal of the water meter, the owner must correct the violation within thirty (30) calendar days of discontinuance or vacate the premises for failure to properly maintain service with the public sanitary sewer system.
- B. If the owner allegedly in violation of a provision of this regulation requests a hearing before the Utilities Director/Superintendent, the Utilities Director/Superintendent shall, within five (5) days of such owner's claims, establish the time and place for such hearing. If, as a result of the hearing, the Utilities Director/Superintendent determines that the owner is in violation of the provision as alleged in the notice, he shall order the owner to correct the conditions giving rise to the violation and establish a reasonable time for compliance. If the Utilities Director/Superintendent cannot, at the hearing, determine the existence or extent of the alleged violation, he may order the suspension of service pending further investigation. In the case of suspension of service the owner is entitled to request a second hearing following

the period of suspension; and if he does so, no further action may be taken by H2GO until the conclusion of the second hearing.

- C. At the owner's request, billing for sewer service can be placed in an inactive status if one of the following situations has occurred:
 - 1. If the owner's water source is a private well and electrical service to the property has been discontinued.
 - 2. If the owner's water source is other than a private well and the company or municipality providing water service has discontinued service.
- D. It is the owner's responsibility to notify H2GO when electric or water service has been restored. If H2GO becomes aware of the restoration of electric or water service prior to notification by the owner, the owner shall be responsible for all charges incurred from the date of restoration of electric or water service.

Section 7.3 Suspension of Service.

If a user is suspected of discharging wastewater into a public sanitary sewer which is causing operational problems at the public wastewater treatment facility, pump station or public sanitary sewer, and such discharge would be in violation of this regulation, and, further, such user has been issued a written notice but has denied the alleged violation, H2GO may require that the user cease to discharge into a public sanitary sewer, upon a hearing by the Utilities Director/Superintendent, for up to thirty (30) calendar days. This suspension shall be only for the purpose of clearly determining the operational effect of the user's discharge; and such suspension shall not be made if it will likely endanger the public health, safety or welfare or otherwise create a public health or safety nuisance. Depending upon the results of the suspension on the operation of the wastewater treatment facilities, H2GO may take appropriate action to either restore service or discontinue further service.

Section 7.4 Discontinuation in Protection of Health and Welfare.

When any public sanitary sewer user discharges or threatens to discharge any wastewater which is prohibited by this regulation and may cause a present or imminent and substantial endangerment to the health and welfare of persons, or is likely to cause the disruption or inhibition of the operation of H2GO's wastewater treatment facilities, the Utilities Director/Superintendent may immediately, upon written or verbal notification to the user, discontinue service to the user. In such event, H2GO shall serve a written notice to the user after discontinuation of service and shall, where feasible, follow the procedural requirements. If upon fulfillment of such requirements it is determined that no violation has occurred, service to the user shall be restored at no cost to the user.

Section 7.5 Recovery of Expense or Damage to H2GO System By Reason of Violation.

- A. No person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the wastewater collection system or the wastewater treatment facilities. Any violation hereof shall subject the offender to both a civil penalty and to the recovery of expense as specified herein.
- B. Any person violating any provision of this regulation, or any person who shall have broken, damaged, destroyed, uncovered, defaced or tampered with any structure, appurtenance or equipment which is part of the wastewater collection system or the wastewater treatment facilities, shall be liable to H2GO for any expense, loss or damage suffered by H2GO by reason of such violation, including but not limited to the costs of investigation; expert fees, tests and analyses; and reasonable attorney's fees. If such violation results in H2GO's making a disconnection of service line(s) from a public sewer pursuant to Section D of this regulation, the person shall further be liable to H2GO for all expense to H2GO in making such disconnection.

Section 7.6 Penalties.

- A. Violation of this regulation subjects the offender to a civil penalty of up to \$25,000 to be recovered by H2GO in a civil action in the nature of a debt, if the offender does not pay the penalty within ten (10) calendar days after he has been cited for violation of this regulation.
- B. This regulation may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.
- C. Pursuant to the authority granted in **G.S. 153A-123**, this article may be enforced by any one or more of the remedies specified in this article. Each day's continuing violation of this article is a separate and distinct offense.
- D. If a property owner required to make connection to the public sanitary sewer, pursuant to this regulation, fails to make application, pay all applicable fees and make connection to the public sanitary sewer within three (3) months after notification, H2GO shall bill the owner of residential property the monthly flat rate and the owner of non-residential property the minimum monthly metered rate for the applicable meter size. These are the base user charges and are in addition to all other required fees and penalties.
- E. If a property owner becomes delinquent on their account for billing of the base user charges, a late penalty will be assessed on the account equal to ten (10) percent of the outstanding balance due.

Section 7.7 Utility Easement Obstruction Prohibited.

No person shall place, construct, deposit, leave, permit to be or remain on, within or over any easement for public water and/or sewer use, any construction materials,

metals, lumber, trees, berms, water bodies, rubbish, refuse, fences, structures, buildings or other obstructions. Such obstruction shall constitute an easement nuisance under this regulation. Any fences constructed in right-of-ways shall provide a gate/s at least (ten) feet in width to allow equipment access.

Section 7.8 Abatement.

Whenever an easement nuisance is found to exist within H2GO, H2GO's Utilities Director/Superintendent or some other duly designated officer of H2GO shall give written notice to abate directed to the owner on whose property the easement exists or upon the person or entity causing, allowing or continuing the nuisance. The easement nuisance may be abated, costs collected, and enforced by utilizing that process set forth in other regulations and/or policies/procedures of H2GO, for a drainage nuisance. Any and all costs incurred by H2GO in the abatement shall constitute a lien upon that property on which the easement exists.

Section 7.9 Administrative Remedies.

Notification of Violation (NOV). Whenever the Utilities Director/Superintendent finds that any industrial user has violated or is violating this Regulation, wastewater permit, or any prohibition, limitation or requirements contained therein or any other pretreatment requirement the Utilities Director/Superintendent may serve upon such a person a written notice stating the nature of the violation. Within thirty (30) days from the date of this notice, an explanation for the violation and a plan for the satisfactory correction thereof shall be submitted to H2GO by the user. Submission of this plan does not relieve the discharger of liability for any violations occurring before or after receipt of the notice of violation.

Consent Orders. The Utilities Director/Superintendent is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the non-compliance. Such orders will include specific action to be taken by the discharger to correct the non-compliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to below.

Show Cause Hearing. The Utilities Director/Superintendent may order any industrial user who causes or is responsible for an unauthorized discharge, has violated this regulation or is in noncompliance with a wastewater discharge permit to show cause why a proposed enforcement action should not be taken. In the event the Utilities Director/Superintendent determines that a show cause order should be issued, a notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

The Utilities Director/Superintendent shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate.

A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty nor is any action or inaction taken by the Utilities Director/Superintendent under this section subject to an administrative appeal.

Administrative Orders. When the Utilities Director/Superintendent finds that an industrial user has violated or continues to violate this regulation, permits or orders issued hereunder, or any other pretreatment requirement the Utilities Director/Superintendent may issue an order to cease and desist all such violations and direct those persons in noncompliance to do any of the following:

- A. Immediately comply with all requirements;
- B. Comply in accordance with a compliance time schedule set forth in the order;
- C. Take appropriate remedial or preventive action in the event of a continuing or threatened violation;
- D. Disconnect unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated within a specified time period.

Emergency Suspensions. The Utilities Director/Superintendent may suspend the wastewater treatment service and/or wastewater permit when such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, interferes with the POTW or causes the POTW to violate any condition of its NPDES or Non-discharge permit.

Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within fifteen (15) days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the Utilities Director/Superintendent shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Utilities Director/Superintendent shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the non-compliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Utilities Director/Superintendent prior to the date of the above-described hearing.

Termination of Permit. Any user who violates the following conditions of this regulation, or applicable State and Federal regulations, is subject to having its permit terminated:

- A. Failure to accurately report the wastewater constituents and characteristics of his discharge;
- B. Failure to report significant changes in operations, or wastewater constituents and characteristics;
- C. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,
- D. Violation of Conditions of the Permit. Non-compliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause of this regulation why the proposed action should not be taken.

Section 7.10 Civil Penalties.

- A. Any user who is found to have failed to comply with any provision of this regulation, or the orders, rules, regulations and permits issued hereunder, may be fined up to **\$25,000** per day per violation.
- B. In determining the amount of the civil penalty, the Utilities Director/Superintendent shall consider the following:
 - 1. The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation;
 - 2. The duration and gravity of the violation;
 - 3. The effect on ground or surface water quantity or quality or on air quality;
 - 4. The cost of rectifying the damage;
 - 5. The amount of money saved by non-compliance;
 - 6. Whether the violation was committed willfully or intentionally;
 - 7. The prior record of the violator in complying or failing to comply with the pretreatment program;
 - 8. The costs of enforcement to H2GO.
- C. Appeals of civil penalties assessed in accordance with this section shall be as provided in Section 10h.

Section 7.11 Other Available Remedies.

Remedies, in addition to those previously mentioned in this regulation, are available to the Utilities Director/Superintendent who may use any single one or combination against a non-compliant user. Additional available remedies include, but are not limited to:

Criminal Violations. H2GO Attorney for the Thirteenth Judicial District (or its successor) may, at the request of H2GO, prosecute non-compliant users who violate the provisions of **N.C.G.S. 143-215.6B**.

[Note: Under North Carolina law, it is a crime to negligently violate any term, condition, or requirement of a pretreatment permit, or negligently fail to apply for a pretreatment permit, issued by local governments (G.S. 143-215.6B(f)), to knowingly and willfully violate any term, condition, or requirement of a pretreatment permit, or knowingly and willfully fail to apply for a pretreatment permit, issued by local governments (G.S. 143-215.6B(g)), to knowingly violate any term, condition, or requirement of a pretreatment permit issued by local governments, or knowingly fail to apply for a pretreatment permit, knowing at the time that a person is placed in imminent danger of death or serious bodily injury, (G.S. 143-215.6B(h)), and to falsify information required under Article 21 of Chapter 143 of the General Statutes (G.S. 143-215.6B(i)).]

- A. *Injunctive Relief.* Whenever a user is in violation of the provisions of this regulation or an order or permit issued hereunder, the Utilities Director/Superintendent, through H2GO Attorney, may petition the Superior Court of Justice for the issuance of a restraining order or a preliminary and permanent injunction that restrains or compels the activities in question
- B. *Water Supply Severance.* Whenever an industrial user is in violation of the provisions of this regulation or an order or permit issued hereunder, water service to the industrial user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated ability to comply.
- C. *Public Nuisances.* Any violation of the prohibitions or effluent limitations of this regulation or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the Utilities Director/Superintendent. Any person(s) creating a public nuisance shall be subject to the provisions of the **North Carolina General Statutes Chapter 19** governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying said nuisance.

Section 7.12 Remedies Non-Exclusive.

The remedies provided for in this regulation are not exclusive. The Utilities Director/Superintendent may take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in

accordance with H2GO's response plan. However, the Utilities Director/Superintendent may take other action against any user when the circumstances warrant. Further, the POTW Director/Superintendent is empowered to take more than one enforcement action against any non-compliant user.

ARTICLE VIII

FEE SCHEDULE.

Section 8.1 General

It is the purpose of this section is to provide for the recovery of costs from users of H2GO's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth H2GO's rate and fee schedule.

Section 8.2 User Charges.

A user charge shall be levied on all users including, but not limited to, persons, firms, corporations or governmental entities that discharge, cause or permit the discharge of sewage into the POTW.

H2GO shall annually, or more frequently if financial or other conditions dictate, adopt a Rate and Fee Schedule establishing User Rates at least sufficient to cover all expenses for the ensuing Fiscal Year as identified in the Annual Budget. User Rates will be determined in view of System use projections for each ensuing Fiscal Year. User Rates may consist of an Base Fee a Use Fee for service in excess of a stated capacity and an In District or Out of District Rate. User Rates thus established shall be billed by H2GO as herein provided on the basis of actual metered water use. Service outside H2GO will be determined on a case by case basis since the cost of service to developments could vary greatly and rates for each development can be established by actual cost.

H2GO's Annual Budget for each Fiscal Year may include:

A. Operating Expense Components.

1. Current Expenses.
2. An operating maintenance reserve.
3. Appropriations to repair/replacement reserves for purposes of timely correction of any mechanical/physical deficiencies that arise out of normal System use or which are not correctable from insurance proceeds or other monies readily available to H2GO.

4. Debt Service, including such debt service reserves and other funds, accounts and reserves as may be required by instruments of debt authorization and such other amounts as may be required to comply with the covenants contained in instruments of debt authorization.
 5. An allowance for depreciation.
 6. Such other components as H2GO shall direct in the exercise of good business and operating practices for comparable facilities.
- B. Capital Expense Components: Such other components regarding System development and growth as H2GO shall identify as being necessary or appropriate.

Section 8.3 Other Fees and Charges.

H2GO may from time to time adopt and impose Tap Fees, Impact Fees (including impact fees regarding the County Treatment Facilities), Sewer Transmission Capital Recovery Fees, Base Charges, surcharges for extra strength wastewater, penalties for violations of these Rules and Regulations, and such other rates and charges as it deems appropriate, the amount of which shall be set forth in the Rates and Fee Schedule. The Owner of a structure or parcel of land applying for service from H2GO, for which a tap is made shall pay any Tap Fees, Impact Fees, Sewer Transmission Capital Recovery Fees and other charges due pursuant to the Rates and Fee Schedule at the time the Owner applies for connection or, if not required to apply, at the time the Owner is required to connect to the System. Notwithstanding the foregoing, (i) Industrial and significant Industrial Users shall pay applicable Tap and Impact Fees at the time of issuance by H2GO of a permit to connect to the System, and (ii) the Rates and Fee Schedule may provide for the financing of Tap and Impact and Sewer Transmission Capital Recovery Fees. Any such fees shall be deemed to have been adopted and imposed for any Fiscal Year by virtue of H2GO including such fees in its Rates and Fees Schedule.

Section 8.4 Rates and Fee Schedule.

The Rates and Fee Schedule, as amended by H2GO from time to time, is incorporated in and shall be a part of these Rules and Regulations.

Section 8.5 Surcharges.

All industrial users of the POTW are subject to industrial waste surcharges on discharges which exceed the following levels:

BOD	250	mg/l
TSS	250	mg/l
NH3-N	30	mg/l

Oil & Grease 100 mg/l

The amount of surcharge will be based upon the mass emission rate (in pounds per day) discharged above the levels listed above. The amount charged per pound of excess will be set forth in the schedule of charges and fees.

The volume of flow used in determining the total discharge of wastewater for payment of user charges and surcharges shall be based on the following:

Metered water consumption as shown in the records of meter readings maintained by H2GO; or

If required by H2GO or at the individual discharger's option, other flow monitoring devices that measure the actual volume of wastewater discharged to the sewer. Such devices shall be accessible and safely located, and the measuring system shall be installed in accordance with plans approved by H2GO. The metering system shall be installed and maintained at the user's expense according to arrangements that may be made with H2GO.

Where any user procures all or part of their water supply from sources other than H2GO, the user shall install and maintain at their expense a flow measuring device of a type approved by H2GO.

The character and concentration of the constituents of the wastewater used in determining surcharges shall be determined by samples collected and analyzed by H2GO. Samples shall be collected in such a manner as to be representative of the actual discharge and shall be analyzed using procedures set forth in **40 CFR Part 136**.

The determination of the character and concentration of the constituents of the wastewater discharge by the Utilities Director/Superintendent or his duly appointed representatives shall be binding as a basis for charges.

Section 8.6 Billing Procedures.

Billing. H2GO's Water System Customer (as defined in the Water System Rules) at any premises shall pay the User Rates for the premises. Bills for User Rates shall be mailed monthly along with the water bills pursuant to the Water System Rules. Bills for User Rates shall be due and shall be considered delinquent at the times provided for in the Water System Rules. If H2GO provides sewer service to a User to which it does not provide water service, bills shall be mailed to the address of the property being served unless the Owner of the property directs in writing that the bill be mailed to some other address. Failure to receive bills will not be justification for nonpayment of amounts due nor permit an extension of the date when the account would be considered delinquent. The late fee provisions, bad check policy and policy for adjustments for leaks of the Water System Rules are incorporated herein by reference and made a part hereof.

Each unit of a multi-family parcel and each mobile home in a mobile home park will be treated as a single-family unit and each unit will be responsible for all applicable Rates, Charges, Fees and penalties pursuant to these Rules and Regulations.

Section 8.7 Billing Start Date.

- A. A Residential User, Commercial User, or Mobile Home Park Owner shall be liable to pay H2GO's User Rates and the billing period shall commence on the date by which the Owner of the structure being served or Mobile Home Park is required by these Rules and Regulations to connect to the System. If the Owner or Mobile Home Park fails to connect to the System within the time required, the Owner (rather than the User of the structure being served, if different from the Owner) shall pay the User Rates until connection to the System has been made and thereafter the User of the structure who receives the water bill for the structure shall be responsible for paying the User Rates. Any User Rates required to be paid by an Owner before the Owner's premises are connected to the System shall be a Base Charge.
- B. The billing start date for Industrial Users shall be the date such User connects to the System.

Section 8.8 Shut Off for Non Payment.

H2GO may in accordance with the Water System Rules discontinue water service to any User who does not pay a sewer bill when due. The provisions of the Water System Rules including, but not limited to, those regulating the discontinuance, termination and restoration of service are incorporated herein by reference and made a part hereof.

Section 8.9 Termination of Service by User.

Sewer service shall be terminated when a User requests that water service be terminated in accordance with Water System Rules.

Section 8.10 Service Discontinuations.

H2GO may discontinue wastewater collection service to a User when a User violates these Rules and Regulations, the Water System Rules or the County Sewer Use Ordinance. If a water customer of H2GO, discontinuance shall be through discontinuance of water service. Otherwise, discontinuance shall be by plugging or capping the sewer service line.

Section 8.11 Change of ownership.

The owner, as customer, of property served by the public sanitary sewer is responsible for all basic user charges incurred on their account until H2GO is notified of a change in ownership. Upon notification, the new owner of the property becomes the customer

of H2GO and is responsible for all basic user charges incurred as of the later of the closing date of the sale or the date of notification by the owners.

Section 8.12 One-Time Sewer Charges.

- A. Sewer service connection fees (tap fees). Sewer service connection fees (tap fees) shall be charged to cover the cost of providing a tap to the sewer lateral plus ten (10) percent. Taps can be installed by a North Carolina licensed utility contractor at the owner expense subject to the following:
1. An owner may have a tap installed by a North Carolina licensed utility contractor, provided he:
 - a) Requests approval at the time of making application for connection to the public sanitary sewer.
 - b) Must give at least five (5) days' notice to H2GO of the date the tap is to be made.
 - c) Constructs the tap with materials specified by H2GO and installed by a North Carolina licensed utility contractor.
 - d) Arranges for the presence of an H2GO inspector when the tap is made.
 2. During construction of the public sanitary sewer, the owner of an undeveloped residential or non-residential property may obtain a tap at the same rate as developed residential and non-residential property provided the following conditions are met:
 - a) The property must be adjacent and contiguous to or must front upon a proposed District sewer line.
 - b) The property owner must request in writing that a tap be placed on the undeveloped property.
 3. If a developer, as owner, installs the tap to the public sanitary sewer for the development, the developer or subsequent owner of each property in the development will only incur applicable fees.
 4. Rental property or property on the market for sale may be connected to the public sanitary sewer at the cleanout only by a licensed plumber.
- B. Sewer Impact Fee. All new development and non-residential development obtaining a permit shall pay this fee specified in Section 8.8, based on average daily flow. Swimming pools will be exempt from the treatment plant capacity fee. Average daily flow for the purposes of these fees shall be determined as follows:
1. Residential unit. For a residential unit, see Section 8.3.

2. Non-residential unit. For a non-residential unit, flow criteria as recommended by the NC Division of Water Quality, or equivalent, for sewer system requirements. If a flow is not specified by the NC Division of Water Quality, or equivalent, for a particular usage, the flow shall be based on water usage of similar facilities as determined by H2GO.
3. Non-residential unit (industrial wastewater). Industries that generate industrial wastewater, have a National Pollutant Discharge Elimination System (NPDES) permit, and maintain a wastewater treatment facility with capacity sufficient to cover the average daily wastewater flow may be exempted from this fee by the Board of Commissioners based on these and other criteria. This section does not exempt any non-process domestic wastewater. When H2GO's wastewater system becomes available to a non-residential unit having industrial wastewater, this fee shall be paid prior to connection.

Section 8.13 Base Charges.

- A. Established. Base charges (base fees) shall be as established in Section 8.10. The charges and fees developed in accordance with the provisions of this section.
- B. Flat rate option for residential property. The owner of residential property occupied with only one (1) structure served by a sewer line that does not have access or is not available to a public water supply, may pay a flat monthly rate in lieu of metered rates. If the owner initially chooses a flat rate, the owner may change to a metered rate at any time; however, the owner is allowed to change one and only one time from the initial application. The owner must pay an administration/inspection fee set from time to time and the cost of installation of meters, if applicable. If a meter does not function properly due to the owner's water quality (i.e. sand, oil, grease, etc.) and the meter has been replaced twice, H2GO may remove the meter and charge the flat rate.
- C. Metered rate option for all other property. All residential property owners not eligible for the flat rate option, all commercial and industrial properties, and all other properties shall be charged based on metered rates. Metered rates shall be either residential or non-residential rates. The owner shall pay an administration/inspection fee set from time to time. If a meter does not function properly due to the owner's water quality (i.e. sand, oil, grease, etc.) and the meter has been replaced twice, H2GO may remove the meter and charge the flat rate.

Section 8.14 Extra-Strength Wastewater Surcharges.

- A. Standard-strength wastewater shall be defined as that wastewater having a maximum BOD⁵, COD, suspended solids and ammonia nitrogen concentration as referenced in the rate schedule currently in force.
- B. Industrial wastewater surcharges shall be assessed to any industrial users discharging wastewater, including constituents, at a concentration exceeding any

of the limits established in this regulation. The surcharge rate shall be as set forth in Section 8.5.

Section 8.15 Specific Fees.

A. Sewer service connection fees (tap fees).

1. Whenever H2GO constructs sewer collection lines into a new service area, all development is required to connect to the sewer within three (3) months of the initial availability of the sewer system. During the three (3) month period the residential and non-residential tap fees shall be as follows for a lot on which is situated a structure requiring waste disposal:

a) For four (4) inch and six (6) inch taps, installation cost shall be as set from time to time and contained in H2GO's fee schedule as adopted by the Board of Commissioners.

Provided, however, a vacant lot for which a sewer tap is installed shall pay the above-referenced tap fees regardless whether application is made within the initial three (3) months of sewer availability.

b) For eight (8) inch and larger, installation cost shall be estimated by H2GO and paid at time of application. Taps for eight-inch and larger only include the actual connection to the collection system.

2. All development shall pay tap fees set from time to time as adopted by the Board of Commissioners, except development that complies with either subsection a(1) in this section or Section 8.2a(2).

B. Basic user charges (user fees). User fees consist of the sum of a fixed fee plus gallonage rate as set from time to time and adopted by the Board of Commissioners contained in a schedule of rates and fees.

C. Base service fee. This fee shall be charged to all customers available and accessible to H2GO's sewer collection system. For collection systems installed in developments where dwelling structures existed prior to the construction of the sewer system, this fee shall be charged to all applicable properties deemed accessible and available to H2GO's sewer collection system three (3) months from the date the sewer system is made available for use, or upon initiation of service, whichever is less. For trailer parks, fee will be determined by the amount of lots on the County permit.

D. Cost of installation of meters. The cost of installation of meters shall be as set from time to time by the Board of Commissioners and contained in a schedule of rates and fees.

E. Capital Recovery fee. This fee shall be as set from time to time by the Board of Commissioners and contained in a schedule of rates and fees. This fee will be determined as specified in Section 8.2b; however, the minimum fee will not apply in the following circumstances:

1. Permits for new development where there is no plumbing in the entire structure. If plumbing is added later, the fee for new development will apply.

F. Other charges.

1. Administration fees. An administration fee shall be as set from time to time by the Board of Commissioners and contained in a schedule of rates and fees. The fee is applicable in the following specific situations (not all inclusive):

- a) Setting up a new account.

2. Cancellation penalty. The cancellation penalty shall be ten (10) percent of all applicable impact fees paid, with a minimum penalty set from time to time by the Board of Commissioners and contained in a schedule of rates and fees.

Section 8.16 Pretreatment Program Administration Charges.

The schedule of charges and fees adopted by H2GO may include charges and fees for:

- A. Reimbursement of costs of setting up and operating the Pretreatment Program;
- B. Monitoring, inspections and surveillance procedures;
- C. Reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;
- D. Permitting;
- E. Other fees as H2GO may deem necessary to carry out the requirements of the Pretreatment Program.

ARTICLE IX

SEWER USE REQUIREMENTS.

Section 9.1 Prohibited Discharge Standards.

- A. General Prohibitions. No user shall contribute or cause to be contributed into the POTW, directly or indirectly, any pollutant or wastewater which causes interference or pass through. These general prohibitions apply to all users of a POTW whether or not the user is a significant industrial user or subject to any National, State, or

local pretreatment standards or requirements.

B. *Specific Prohibitions.* No user shall contribute or cause to be contributed into the POTW the following pollutants, substances, or wastewater:

1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F (60°C) using the test methods specified in **40 CFR 261.21**.
2. Solid or viscous substances in amounts that will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one-half (1/2) inch in any dimension.
3. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
4. Any wastewater having a pH less than 5.0 or more than 9.0 or wastewater having any other corrosive property capable of causing damage to the POTW or equipment.
5. Any wastewater containing pollutants, including oxygen-demanding pollutants, (BOD, etc) in sufficient quantity, (flow or concentration) either singly or by interaction with other pollutants, to cause interference with the POTW.
6. Any wastewater having a temperature greater than 150°F (55°C), or that will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C).
7. Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
8. Any trucked or hauled pollutants, except at discharge points designated by the POTW Director/ Superintendent in accordance with Section 9.9 of this regulation.
9. Any noxious or malodorous liquids, gases, or solids or other wastewater that, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
10. Any substance that may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under **Section 405 of**

the Act, the **Solid Waste Disposal Act**, the **Clean Air Act**, and the **Toxic Substances Control Act**, or State criteria applicable to the sludge management method being used.

11. Any wastewater which imparts color which cannot be removed by the treatment process, including, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts sufficient color to the treatment plant's effluent to render the waters injurious to public health or secondary recreation or to aquatic life and wildlife or to adversely affect the palatability of fish or aesthetic quality or impair the receiving waters for any designated uses.
12. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Utilities Director/Superintendent in compliance with applicable State or Federal regulations.
13. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, de-ionized water, non-contact cooling water and unpolluted industrial wastewater, unless specifically authorized by the Utilities Director/Superintendent.
14. Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l.
15. Any sludge, screenings or other residues from the pretreatment of industrial wastes.
16. Any medical wastes, except as specifically authorized by the Utilities Director/Superintendent in a wastewater discharge permit.
17. Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with H2GO wastewater system.
18. Any material that would be identified as hazardous waste according to **40 CFR Part 261** if not disposed of in a sewer except as may be specifically authorized by the Utilities Director/Superintendent.
19. Any wastewater causing the treatment plant effluent to violate State Water Quality Standards for toxic substances as described in **15A NCAC 2B .0200**.
20. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
21. Recognizable portions of the human or animal anatomy.
22. Any wastes containing detergents, surface active agents, or other substances that may cause excessive foaming in H2GO wastewater system.

23. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter.

24. Any wastes containing ground paper products.

25. Any wastes containing certain materials (i.e., wood, glass, fire or explosion hazards, ashes, sand, cinders, un-shredded garbage, etc.) that prove to be detrimental to the sewage system.

Pollutants, substances, wastewater, or other wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the municipal wastewater system. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the system.

When the POTW Director/Superintendent determines that a user(s) is contributing to the POTW, any of the above enumerated substances in such amounts which may cause or contribute to interference of POTW operation or pass through, the POTW Director/Superintendent shall advise the user(s) of the potential impact of the contribution on the POTW in accordance with **Section J.1** and **J.2** take appropriate actions in accordance with **Section I** for such user to protect the POTW from interference or pass through.

Section 9.2 National Categorical Pretreatment Standards.

Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in **40 CFR Chapter 1, Subchapter N, Parts 405-471** and incorporated herein.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Utilities Director/Superintendent may impose equivalent concentration or mass limits in accordance with **40 CFR 403.6(c)**.
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Utilities Director/Superintendent shall impose an alternate limit using the combined waste stream formula in **40 CFR 403.6(e)**.
- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in **40 CFR 403.13**, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

- D. A user may obtain a net gross adjustment to a categorical standard in accordance with **40 CFR 403.15**.

Section 9.3 Local Limits.

To implement the general and specific discharge prohibitions listed in this regulation, industrial user-specific local limits will be developed ensuring that the POTW's maximum allowable head works loading is not exceeded for particular pollutants of concern for each industrial user. Where specific local limits are not contained for a given parameter or pollutant in an industrial user permit, the following limits will apply to all users:

BOD	250	mg/l
TSS	250	mg/l
TKN	40	mg/l
Arsenic	0.003	mg/l
Cadmium	0.003	mg/l
Copper	0.061	mg/l
Cyanide	0.041	mg/l
Lead	0.049	mg/l
Mercury	0.0003	mg/l
Nickel	0.021	mg/l
Oil & Grease	100.0	mg/l
Silver	0.005	mg/l
Total Chromium	0.05	mg/l
Zinc	0.175	mg/l

Industrial user-specific local limits for appropriate pollutants of concern shall be included in wastewater permits and are considered pretreatment standards. The Utilities Director/Superintendent may impose mass limits in addition to, or in place of, the concentration-based limits above.

Section 9.4 State Requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this regulation.

Section 9.5 Right of Revision.

H2GO reserves the right to establish limitations and requirements that are more stringent than those required by either State or Federal regulation if deemed necessary to comply with the objectives presented in this regulation or the general and specific prohibitions in Section 9 of this regulation, as is allowed by **40 CFR 403.4**.

Section 9.6 Dilution.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National categorical pretreatment standards, unless expressly authorized by an applicable pretreatment standard, or in any other pollutant-specific limitation developed by H2GO or State.

Section 9.7 Pretreatment of Wastewater.

- A. Pretreatment Facilities. Users shall provide wastewater treatment as necessary to comply with this regulation and wastewater permits issued under Section 10.2 of this regulation and shall achieve compliance with all National categorical pretreatment standards, local limits, and the prohibitions set out in Section 9 of this regulation within the time limitations as specified by EPA, the State, or the Utilities Director/Superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to H2GO for review, and shall be approved by the Utilities Director/Superintendent before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to H2GO under the provisions of this regulation. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the Utilities Director/Superintendent prior to the user's initiation of the changes.
- B. Additional Pretreatment Measures.
1. Whenever deemed necessary, the Utilities Director/Superintendent may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this regulation.
 2. The Utilities Director/Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
 3. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Utilities Director/Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity in accordance with Appendix A, and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired as outlined in Appendix

A, at their expense.

4. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

Section 9.8 Accidental Discharge/Slug Control Plans.

At least once every two (2) years, the Utilities Director/Superintendent shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Utilities Director/Superintendent may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Utilities Director/Superintendent may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Utilities Director/Superintendent of any accidental or slug discharge, as required by Section 11.6 of this regulation; and
- D. Procedures to prevent adverse impact from any accidental or slug discharge such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

Section 9.9 Hauled Wastewater.

- A. Septic tank waste may be introduced into the POTW only at locations designated by the Utilities Director/Superintendent, and at such times as are established by the Utilities Director/Superintendent. Such waste shall not violate Section 9 of this regulation or any other requirements established by District. The Utilities Director/Superintendent may require septic tank waste haulers to obtain wastewater discharge permits.
- B. The Utilities Director/Superintendent shall require haulers of industrial waste to obtain wastewater discharge permits. The Utilities Director/Superintendent may require generators of hauled industrial waste to obtain wastewater discharge permits. The Utilities Director/Superintendent also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this regulation.
- C. Industrial waste haulers may discharge loads only at locations designated by the Utilities Director/Superintendent. No load may be discharged without prior consent of the Utilities Director/Superintendent. The Utilities Director/Superintendent may

collect samples of each hauled load to ensure compliance with applicable standards. The Utilities Director/Superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

- D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

ARTICLE X

WASTEWATER DISCHARGE PERMIT APPLICATION AND ISSUANCE.

Section 10.1 Unlawful Discharge.

It shall be unlawful for any person to connect or discharge to the POTW without first obtaining the permission of Brunswick Regional Water and Sewer. When requested by the Utilities Director/Superintendent, a user must submit information on the nature and characteristics of its wastewater within fifteen (15) calendar days of the request. The Utilities Director/Superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information.

Section 10.2 Wastewater Permits.

All significant industrial users shall obtain a significant industrial user permit prior to the commencement of discharge to the POTW. Existing industrial users who are determined by the Utilities Director/ Superintendent to be significant industrial users shall obtain a significant industrial user permit within **180 days** of receiving notification of the Utilities Director's determination. Industrial users who do not fit the significant industrial user criteria may at the discretion of the Utilities Director/Superintendent be required to obtain a wastewater discharge permit for non-significant industrial users.

- A. *Significant Industrial User Determination.* All persons proposing to discharge non-domestic wastewater, or proposing to change the volume or characteristics of an existing discharge of non-domestic wastewater shall request from the Utilities Director/Superintendent a significant industrial user determination. If the Utilities Director/Superintendent determines or suspects that the proposed discharge fits the significant industrial user criteria he will require that a significant industrial user permit application be filed.
- B. *Significant Industrial User Permit Application.* Users required to obtain a significant industrial user permit shall complete and file with H2GO, an application in the form prescribed by the Utilities Director/Superintendent, and accompanied by an application fee in the amount prescribed in the schedule of charges and fees.

Significant industrial users shall apply for a significant industrial user permit within ninety (90) days after notification of the POTW Director's determination in Section 10.2a above. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

1. Name, address, and location, (if different from the address);
2. Standard Industrial Classification (SIC) codes for pretreatment, the industry as a whole, and any processes for which categorical pretreatment standards have been promulgated;
3. Analytical data on wastewater constituents and characteristics including but not limited to those mentioned in Section 9 of this regulation, any of the priority pollutants (**Section 307(a) of the Act**) which the applicant knows or suspects are present in the discharge as determined by a reliable analytical laboratory, and any other pollutant of concern to the POTW; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to **Section 304(g) of the Act** and contained in **40 CFR, Part 136**, as amended;
4. Time and duration of the indirect discharge;
5. Average daily and thirty (30) minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
6. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains, sewer connections, direction of flow and appurtenances by the size, location and elevation;
7. Description of activities, facilities and plant processes on the premises including all materials which are or could be accidentally or intentionally discharged;
8. Where known, the nature and concentration of any pollutants in the discharge that are limited by any County, State, or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
9. If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:
 - a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the

applicable pretreatment standards. No increment in the schedule shall exceed nine (9) months.

- b) No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Utilities Director/Superintendent including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Utilities Director/Superintendent.

10. Each product produced by type, amount, process or processes and rate of production;

11. Type and amount of raw materials processed (average and maximum per day);

12. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

13. If subject to a categorical standard, a baseline monitoring report in accordance with **40 CFR 403.12(b)** and **15A NCAC 2H .0908(a)**, as outlined in **Section K.1** of this regulation.

14. Any other information as may be deemed by the Utilities Director/Superintendent to be necessary to evaluate the permit application.

C. Application Signatories and Certification. All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

D. Application Review And Evaluation. The Utilities Director/Superintendent will evaluate the data furnished by the user and may require additional information.

1. The Utilities Director/Superintendent is authorized to accept applications for H2GO and shall refer all applications to the POTW staff for review and evaluation.

2. Within thirty (30) days of receipt the Utilities Director/ Superintendent shall

acknowledge and accept the complete application; or if not complete, shall return the application to the applicant with a statement of what additional information is required.

E. Tentative Determination and Draft Permit.

1. The POTW staff shall conduct a review of the application and an on-site inspection of the significant industrial user, including any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the significant industrial user permit.
2. If the staff's tentative determination in Paragraph (1) above is to issue the permit, the following additional determinations shall be made in writing:
 - a) proposed discharge limitations for those pollutants proposed to be limited;
 - b) proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and
 - c) a brief description of any other proposed special conditions that will have significant impact upon the discharge described in the application.
3. The staff shall organize the determinations made pursuant to Paragraphs (1) and (2) above and H2GO's general permit conditions into a significant industrial user permit.

F. Permit Synopsis. A fact sheet providing a brief synopsis of the application shall be prepared by the POTW staff for submission to the applicant and the approval authority and shall be made available to the public upon request. The contents of such fact sheets shall include at least the following information:

1. A sketch and detailed description of the industrial facilities and pretreatment facilities including the location of all points of discharge to the POTW and all established compliance monitoring points.
2. A quantitative description of the discharge described in the application that includes at least the following:
 - a) the rate or frequency of the proposed discharge; if the discharge is continuous, the average daily flow;
 - b) the actual average daily discharge in pounds per day of any limited pollutant and any pollutant identified in the application as known or suspected present; and,
 - c) the basis for the pretreatment limitations including the documentation of any calculations in applying categorical pretreatment standards.

G. Final Action on Significant Industrial User Permit Applications.

1. The Utilities Director/Superintendent shall take final action on all applications not later than ninety (90) days following receipt of a complete application.
2. The Utilities Director/Superintendent is authorized to:
 - a) issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this regulation and **N.C.G.S. 143-215.1**;
 - b) issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;
 - c) modify any permit upon not less than sixty (60) days notice and pursuant to Section 10.2i of this regulation;
 - d) revoke any permit pursuant to **Section M.1** of this regulation;
 - e) suspend a permit pursuant to **Section M.1** of this regulation;
 - f) deny a permit application when in the opinion of the POTW Director/Superintendent such discharge may cause or contribute to pass-through or interference of the wastewater treatment plant or where necessary to effectuate the purposes of **G.S. 143-215.1**.

H. Hearings.

1. Initial Adjudicatory Hearing. An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, a permittee/user assessed a civil penalty under **Section 14.2**, or one issued an administrative order under **Section 14.1** shall have the right to an adjudicatory hearing before a hearing officer designated by the Utilities Director upon making written demand, identifying the specific issues to be contested, to the Utilities Director within thirty (30) days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order.

Unless such written demand is made within the time specified herein, the action shall be final and binding. The hearing officer shall make a final decision on the contested permit, penalty, or order within forty-five (45) days of the receipt of the written demand for a hearing. The Utilities Director shall transmit a copy of the hearing officer's decision by registered or certified mail.

- a) New Permits. Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a newly issued permit, the terms and

conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

- b) Renewed Permits. Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
- 2. Final Appeal Hearing. Any decision of a hearing officer made as a result of an adjudicatory hearing held under Section 10.2h1 above may be appealed, to H2GO Board of Commissioners upon filing a written demand within ten (10) days of receipt of notice of the decision. Hearings held under this Subdivision shall be conducted in a manner similar to those hearings conducted pursuant to **North Carolina General Statutes Chapter 150B**. Failure to make written demand within the time specified herein shall bar further appeal. H2GO Board of Commissioners shall make a final decision on the appeal within ninety (90) days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail.
 - 3. Official Record. When a final decision is issued under Section 10.2h2 above, H2GO Board of Commissioners shall prepare an official record of the case that includes:
 - a) All notices, motions, and other like pleadings;
 - b) A copy of all documentary evidence introduced;
 - c) A certified transcript of all testimony taken, if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken.
 - d) A copy of the final decision of District Board of Commissioners.
 - 4. Judicial Review. Any person against whom a final order or decision of H2GO Board of Commissioners is entered, pursuant to the hearing conducted under Section 10.2h above, may seek judicial review of the order or decision by filing a written petition within thirty (30) days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, with the Superior Court of Brunswick District along with a copy to H2GO. Within thirty (30) days after receipt of the copy of the petition of judicial review, H2GO Board of Commissioners shall transmit to the reviewing court the original or a certified copy of the official record.
- I. Permit Modification.
 - 1. Modifications of permits shall be subject to the same procedural requirements

as the issuance of permits except as follows:

- a) changes in the ownership of the discharge when no other change in the permit is indicated,
- b) a single modification of any compliance schedule not in excess of four months,
- c) modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational.

Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

- 2. Within nine (9) months of the promulgation of a National categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by Section 10.2b, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable National categorical pretreatment standard.
- 3. A request for a modification by the permittee shall constitute a waiver of the sixty (60) day notice required by **G.S. 143-215.1(b)** for modifications.

J. Permit Conditions.

- 1. The Utilities Director/Superintendent shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this regulation and **N.C.G.S. 143-215.1**. Wastewater permits shall contain, but are not limited to, the following:
 - a) a statement of duration (in no case more than five years);
 - b) a statement of non-transferability;
 - c) applicable effluent limits based on categorical standards or local limits or both;
 - d) applicable monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State and local law.
 - e) Notification requirements for slug loads; and,

- f) a statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.

2. In addition, permits may contain, but are not limited to, the following:

- a) Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization.
- b) Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
- c) Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
- d) Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges.
- e) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system.
- f) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.
- g) Requirements for installation and maintenance of inspection and sampling facilities and equipment.
- h) Specifications for monitoring programs that may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
- i) Requirements for immediate reporting of any instance of non-compliance and for automatic re-sampling and reporting within thirty (30) days where self-monitoring indicates a violation(s).
- j) Compliance schedules for meeting pretreatment standards and requirements.
- k) Requirements for submission of periodic self-monitoring or special notification reports.
- l) Requirements for maintaining and retaining plans and records relating to

wastewater discharges as specified in Section 11.13 and affording the Utilities Director/Superintendent, or his representatives, access thereto.

- m) Requirements for prior notification and approval by the Utilities Director/Superintendent of any new introduction of wastewater pollutants or of any significant change in the volume or character of the wastewater prior to introduction in the system.
 - n) Requirements for the prior notification and approval by the Utilities Director/Superintendent of any change in the manufacturing and/or pretreatment process used by the permittee.
 - o) Requirements for immediate notification of excessive, accidental, or slug discharges, or any discharge that could cause any problems to the system.
 - p) A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the terms of the permit.
 - q) Other conditions as deemed appropriate by the Utilities Director/Superintendents to ensure compliance with this regulation, and State and Federal laws, rules, and regulations.
- K. Permits Duration. Permits shall be issued for a specified time period, not to exceed **five (5) years**. A permit may be issued for a period less than a year or may be stated to expire on a specific date.
- L. Permit Transfer. Wastewater permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.
- M. Permit Re-issuance. A significant industrial user shall apply for permit re-issuance by submitting a complete permit application in accordance with Section 10.2 a minimum of 180 days prior to the expiration of the existing permit.

ARTICLE XI

REPORTING REQUIREMENTS.

Section 11.1 Baseline Monitoring Reports.

- A. Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under **40 CFR 403.6(a)(4)**, whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Utilities

Director/Superintendent a report that contains the information listed in Paragraph b, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Utilities Director/Superintendent a report which contains the information listed in Paragraph b, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below:

1. Identifying Information. The name and address of the facility, including the name of the operator and owner.
2. Environmental Permits. A list of any environmental control permits held by or for the facility.
3. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram that indicates points of discharge to the POTW from the regulated processes.
4. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in **40 CFR 403.6(e)**.
5. Measurement of Pollutants.
 - a) The categorical pretreatment standards applicable to each regulated process.
 - b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Utilities Director/ Superintendent, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 11.10 of this regulation.
 - c) Sampling must be performed in accordance with procedures set out in Section 11.11 of this regulation.
6. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to

meet the pretreatment standards and requirements.

7. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in this regulation.
8. Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with this regulation.

Section 11.2 Compliance Schedule Progress Reports.

The following conditions shall apply to the compliance schedule required this regulation:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The user shall submit a progress report to the Utilities Director/Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the Utilities Director/Superintendent.

Section 11.3 Reports on Compliance with Categorical Pretreatment Standard Deadline.

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Utilities Director/Superintendent a report containing the information described in this regulation. For users subject to equivalent mass or concentration limits established in accordance with the procedures in **40 CFR 403.6(c)**, this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant

discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with this regulation.

Section 11.4 Periodic Compliance Reports.

All significant industrial users shall, at a frequency determined by the Utilities Director/Superintendent but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with this regulation.

- A. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- B. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required using the procedures prescribed in this regulation, the results of this monitoring shall be included in the report.

Section 11.5 Reports of Changed Conditions.

Each user must notify the Utilities Director/Superintendent of any planned significant changes to the user's operations or system that might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

- A. The Utilities Director/Superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application.
- B. The Utilities Director/Superintendent may issue a wastewater discharge permit under this regulation or modify an existing wastewater discharge permit under this regulation in response to changed conditions or anticipated changed conditions.
- C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty (20) percent or greater, and the discharge of any previously unreported pollutants.

Section 11.6 Reports of Potential Problems.

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Utilities Director/Superintendent of the

incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

- B. Within five (5) days following such discharge, the user shall, unless waived by the Utilities Director/Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability that may be imposed pursuant to this regulation.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Paragraph a, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

Section 11.7. Reports from Un-permitted Users.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Utilities Director/Superintendent as the Utilities Director/Superintendent may require.

Section 11.8 Notice of Violation/Repeat Sampling and Reporting.

If sampling performed by a user indicates a violation, the user must notify the Utilities Director/Superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Utilities Director/Superintendent within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Utilities Director/Superintendent monitors at the user's facility at least once a month, or if the Utilities Director/Superintendent samples between the users initial sampling and when the user receives the results of this sampling.

Section 11.9 Notification of the Discharge of Hazardous Waste.

- A. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance that, if otherwise disposed of, would be a hazardous waste under **40 CFR Part 261**. Such notification must include the name of the hazardous waste as set forth in **40 CFR Part 261**, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such

information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharge during the calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharge. However, notifications of changed conditions must be submitted under this regulation. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of this regulation.

- B. Dischargers are exempt from the requirements of Paragraph a, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specific in **40 CFR 261.30(d)** and **261.33(e)**. Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR **261.30(d)** and **261.33(e)**, requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- C. In the case of any new regulation under *Section 3001* of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Utilities Director/Superintendent, the EPA Regional Waste Management Waste Division Director and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this regulation, a permit issued there under, or any applicable Federal or State law.

Section 11.10 Analytical Requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in **40 CFR Part 136**, unless otherwise specified in an applicable categorical pretreatment standard. If **40 CFR Part 136** does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

Section 11.11 Sample Collection.

- A. Except as indicated in Paragraph b, below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Utilities Director/Superintendent may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

Section 11.12 Timing.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

Section 11.13 Record Keeping.

Users subject to the reporting requirements of this regulation shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this regulation and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least **three (3) years**. This period shall be automatically extended for the duration of any litigation concerning the user or District, or where the user has been specifically notified of a longer retention period by the Utilities Director/Superintendent.

ARTICLE XII

COMPLIANCE MONITORING.

Section 12.1 Monitoring Facilities.

H2GO requires the user to provide and operate at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but H2GO may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public

street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with H2GO's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by H2GO.

Section 12.2 Inspection and Sampling.

H2GO will inspect the facilities of any user to ascertain whether the purpose of this regulation is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow H2GO approval authority and EPA or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or in the performance of any of their duties. H2GO, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from H2GO approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Denial of the Utilities Director/Superintendent's, approval authorities, or EPA's access to the user's premises shall be a violation of this regulation. Unreasonable delays may constitute denial of access.

Section 12.3 Search Warrants.

If the Utilities Director/Superintendent, approval authority, or EPA has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this regulation, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of District designed to verify compliance with this regulation or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Utilities Director/Superintendent, approval authority, or EPA may seek issuance of an administrative search warrant from the Brunswick County Magistrates or the Brunswick County District Court.

ARTICLE XIII

CONFIDENTIAL INFORMATION.

Section 13 .1 Information and data.

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Utilities Director/Superintendent that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this regulation, the National Pollutant Discharge Elimination System (NPDES) Permit, Non-discharge permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. All records relating to compliance with Pretreatment Standards shall be made available to officials of the approval authority and EPA upon request.

ARTICLE XIV

ANNUAL PUBLICATION OF SIGNIFICANT NON-COMPLIANCE.

Section 14.1 Notices.

At least annually, the Utilities Director/Superintendent shall publish in the largest daily newspaper circulated in the service area, a list of those industrial users that were found to be in significant non-compliance, also referred to as reportable non-compliance in **15A NCAC 2H .0903(b)(10)**, with applicable pretreatment standards

and requirements, during the previous twelve (12) months.

ARTICLE XV

AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS.

Section 15.1 Upset.

- A. An upset shall constitute an affirmative defense to an action brought for non-compliance with categorical pretreatment standards if the requirements of Paragraph b, below, are met.
- B. A user who wishes to establish the affirmative defense of upset shall demonstrate, through
- C. properly signed, contemporaneous operating logs, or other relevant evidence that:
 - 1. An upset occurred and the user can identify the cause(s) of the upset;
 - 2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - 3. The user has submitted the following information to the Utilities Director/Superintendent within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days:
 - a) A description of the indirect discharge and cause of non-compliance;
 - b) The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and
 - c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure

of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

Section 15.2 Prohibited Discharge Standard Defense.

A user shall have an affirmative defense to an enforcement action brought against it for non-compliance with the general prohibitions in this regulation or the specific prohibitions in this regulation if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when a municipal customer was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

Section 15.3 Bypass.

A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Paragraph 1 through 4 of this section.

- A. If a user knows in advance of the need for a bypass, it shall submit prior notice to the Utilities Director/Superintendent, at least ten (10) days before the date of the bypass, if possible.
- B. A user shall submit oral notice to the Utilities Director/ Superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of this time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Utilities Director/Superintendent may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- C. Bypass is prohibited, and the Utilities Director/ Superintendent may take an enforcement action against a user for a bypass, unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
 3. The user submitted notices as required under Paragraph b of this section.
- D. The Utilities Director/Superintendent may approve an anticipated bypass, after considering its adverse effects, if the Utilities Director/Superintendent determines that it will meet the three conditions listed in Paragraph c1 of this section.

APPENDIX A

FATS, OIL, AND GREASE CONTROL

1. Prevention of Sewer Blockages

This is designed to aid in the prevention of sanitary sewer blockages and obstructions

from contributions and accumulation of fats, oils, and grease discharged to the sanitary sewer system from industrial or commercial establishments, particularly food preparation and serving facilities.

2. Operate and Maintain Grease Trap or Interceptor

Greasy wastewater can be discharged to the sewer system from several sources, including food service operations. In order to reduce sewer blockages, customers in H2GO service area that discharge wastewater that contains grease must install and properly operate and maintain a grease trap or interceptor.

Grease, oil and sand interceptors shall be provided when, in the opinion of H2GO, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not normally be required for residential users. All interception units shall be of type and capacity which is certified by a qualified professional, such as accessible for cleaning, testing, and inspection.

3. Definitions

- A. Fats, Oils, and Greases: Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR136, as may be amended from time to time. All are sometimes referred to herein as "Grease" or "Greases".
- B. Food Preparation or Serving Facility: Any commercial or industrial facility that prepares or serves food, including but not limited to a restaurant, café, cafeteria, snack bar, grill, deli, catering service, bakery, grocery store, butcher shop, or similar establishment that discharges wastewater to H2GO system.
- C. Cooking Establishments: Those establishments primarily engaged in activities of preparing, serving, or otherwise making available food for consumption and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching and which discharge wastewater to H2GO system. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing.
- D. Grease Trap or Interceptor: A device for separating and retaining water borne Grease and Grease complexes prior to the wastewater exiting the trap and entering H2GO sanitary sewer collection and treatment system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system. Grease Traps and Interceptors are sometimes referred to herein as "Grease Interceptors".

- E. Minimum Design Capability: The design features of a Grease Interceptor and its ability or volume required to effectively intercept and retain Greases from grease-laden wastewaters discharged to H2GO sanitary sewer.
- F. Non-Cooking Establishments: Those establishments primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking. These include cold dairy and frozen foodstuffs preparation and serving establishments.
- G. User: Any person, including those located outside the jurisdictional limits of District, who contributes, causes, or permits the contribution or discharge of wastewater into H2GO sewer collections system, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.
- H. Vehicle Maintenance Facility: Any commercial or industrial facility where automobiles, trucks, or equipment are serviced or maintained, including garages, service stations, repair shops, oil and lubrication shops, or similar establishments.

4. Applicability

- A. The following types of facilities will be required to have grease interceptors: restaurants, schools, hospitals, service stations, car washes, vehicle repair and lubrication facilities, nursing homes, and any other facility that handles grease and which discharges wastewater containing grease into H2GO sewer collection system. All such establishments are required to have a properly sized and functioning grease interceptor, which a qualified professional certifies, to District, is designed to meet District's sewer use and grease control requirements.
- B. All vehicle maintenance facilities are required to have a properly sized grease, oil and sand interceptor.
- C. Facilities other than those noted in Section 7.4, A, B may require the installation of grease and oil interceptor. H2GO Executive Director or his/her designee shall determine the need and applicability of such device.

5. Design

- A. Access manholes, with a minimum diameter of 24 inches, shall be provided over each chamber and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.
- B. All interceptors shall be located outside of the building in such a manner that personnel from District can inspect the interceptors at any time.
- C. District shall be notified of any changes of operation or process at the permitted establishment. The establishment may be required to upgrade their grease interceptor to meet current requirements and standards.

- D. the following documents shall be submitted to H2GO for review and approval prior to issuance of a permit for installation of an interceptor. Any changes to the approved plan shall be approved by District, prior to implementation.
- A site plan showing the location of the interceptor, lines and cleanout or manhole;
 - Details of the interceptor, lines and cleanout or manhole;
 - Formula and calculations used to determine the interceptor capacity.
- E. Every interceptor shall have sufficient capacity to perform the service for which it is provided. Interceptors shall be designed to provide for a minimum hydraulic retention time of 24 minutes at actual peak flow or 12 minutes at the calculated theoretical peak flow rate as predicted by the Uniform Plumbing code fixture criteria, between the influent and effluent baffles with 20 percent of the total volume of the grease interceptor being allowed for sludge to settle and accumulate.
- F. All grease traps and interceptors must be designed using standard engineering principles for sedimentation and floatation in gravity separators. Baffles and good inlet design are required to deflect the flow across the surface areas of the units and sufficient grease and solids storage capacity is required. Grease traps and interceptors shall be rated for the designed flow-through rate of the unit in gallons/minute.
- G. Grease interceptors shall be installed by users as required by H2GO. Grease interceptors shall be installed at the user's expense. All grease interceptors shall be of a type, design, and capacity approved by H2GO and shall be readily and easily accessible for cleaning and inspection. All such grease interceptors shall be serviced and emptied of accumulated waste contents as required in order to maintain minimum design capabilities or effective volume of the grease interceptor, but not less than once every 60 days.

6. Existing Establishments

- A. Businesses and other locations subject to this regulation which were in operation before the effective date of this regulation ("Existing businesses") and do not have grease interception systems are generally required to install such a system within one year of the effective date of this regulation. Such businesses may receive approval from the Executive Director or his/her designee, to install a system under alternate standards taking into account the circumstances of the business's operation, production of waste grease and the practicality of installation under normal requirements.
- B. Existing businesses with an existing grease interception system that does not meet H2GO's standards may be required to upgrade the system or may be allowed to continue use of the present system subject to requirements such as a clean-out

frequency less than 60 days.

7. Servicing and Records

- A. Servicing and maintenance is essential for the efficient operation of grease traps and interceptors. All grease interceptors shall be serviced and emptied of accumulated waste content as required in order to maintain the minimum design capability or effective volume of the grease interceptor. Servicing frequency is site-specific and is dependent on the amount of oil and grease and suspended solids generated at each operation and the size of the grease trap or interceptor. In no case shall the frequency of cleaning be less than once every 60 days or as otherwise specified in H2GO's permit for the interceptor system. The volumes of greases and solids in grease traps and interceptors must not exceed the designed grease and solids storage capacity of the unit.
- B. All grease interceptors shall be cleaned by a properly licensed cleaning and disposal operation.
- C. All users, including food preparation or serving facilities and vehicle maintenance facilities shall maintain a written record of maintenance performed on the interceptor for a minimum of three years. All such records will be available for inspection by H2GO upon request.

8. Variance/Appeal

- A. Under certain circumstances, the interceptor size and location may need special exceptions to the policy. If an exception to these regulations is requested, the user must demonstrate that the size and location will not cause the facility any problems in meeting the discharge requirements of H2GO.
- B. The Executive Director or his/her designee, reserves the right to make determinations of grease interceptor adequacy and need, based on review of all relevant information regarding grease interceptor performance, facility site building plan review and to require repairs to, or modification or replacement of such traps.

9. Enforcement

If, an obstruction of an H2GO sewer main(s) occurs that causes a sewer overflow and such overflow can be attributed in part or in whole to an accumulation of grease in H2GO's sewer main(s), H2GO will take appropriate enforcement actions, as stipulated in H2GO's Sewer Regulation, against the generator or contributor or such grease. These actions may include fines, civil penalties or a discontinuance of sewer service.

10. Sizing Procedure for Food Service Establishments (FPE)

Minimum of 1000 Gallons

meals/peak hour x waste flow x retention time x storage factor=minimum trap volume

In many cases the # meals = # of seats, however, situations may exist where other determinations of peak meals may be appropriate.

Waste flow = 2.0 w/ single service, 5.0 w/o dishwasher, 6.0 w/dishwasher.

Retention time = 2.5 hours for commercial kitchens and 1.5 hours for single service.

Storage factor = 8hr-1, 16hrs-2, and 24 hrs-3, single service kitchen=1.5

11. Sizing Procedure for Single Fixture Only

A single fixture is considered a utensil wash sink, prep sink, culinary sink or other fixture where wastewater is discharged through a single outlet that contains fats, grease or oils.

Step 1 Determine the cubic contents of the fixture by multiplying length x width x depth.

Step 2 Determine the capacity in gallons. 1 gallon = 231 cubic inches.

Step 3 Determine the actual drainage load. The fixture is usually filled to about 75 percent of capacity with wastewater. The items to be washed displace about 25 percent of the fixture content. Actual drainage load = .75 x (fixture capacity)

Step 4 Calculate the flow rate in GPM equal to or greater than 75 percent of the fixture capacity.

Step 5 Select the grease separation device that matches the calculated design flow rate.

- a. No new food preparation establishment will be allowed to discharge wastewater to H2GO's collection system until an adequately sized grease trap or interceptor is installed and approved by H2GO.
- b. All grease traps must have each chamber directly accessible from the surface for servicing and maintaining the trap.
- c. A basket, screen, trap, or other intercepting device shall prevent passage into the drainage system of solids one-half (1/2) inch or larger in size. The basket or device shall be removable for cleaning purposes.
- d. All fixtures and drains receiving kitchen or food preparation wastewater shall pass through a grease trap or interceptor.

12. Standards for Existing Facilities

- A. All existing food preparation facilities shall have grease traps or interceptors approved by H2GO. Food Preparation facilities without a grease trap or interceptor will be given a compliance deadline of six months from date of notification to have approved and installed a grease trap or interceptor. Failure to do so will be considered a violation of H2GO's Sanitary Sewer Use Ordinance and may subject the facility to penalty assessments and/or service termination.
- B. Existing food preparation establishments that are expanding the occupant load by 50% or more or proposing a significant change in the wastewater characteristics are required to resize the grease trap in accordance with the procedures established under standard specification.
- C. In the event an existing food preparation facility's grease trap or interceptor is either undersized or substandard in accordance with this ordinance, the owner and/or leaseholder will be notified of the deficiencies and required improvements, and given a compliance deadline of six months to conform to the requirements of this Ordinance. Failure to do so will be considered a violation of H2GO's Sanitary Sewer Use Ordinance and may subject the facility to penalty assessments and/or service termination.
- D. For cases in which outdoor in-ground grease traps are infeasible to install, existing food preparation establishments will be required to install adequate under the sink grease traps approved by H2GO for use on individual fixtures including dishwashers, sinks, and other fixtures and drains that potentially contain grease (See specifications "Sizing Procedure for Single Fixture Only" above).
- E. Sizing of grease traps shall be determined in accordance with procedures under specifications.
- F. The exclusive use of enzymes, emulsifiers, etc., is not considered an acceptable grease trap maintenance practice.

13. Maintenance, Reporting & Record Keeping

- A. Maintenance records must be retained for review by H2GO Inspectors and must include: Date of Maintenance, Maintainer's Name, and Method of Disposal by the Maintainer. Maintenance records shall be kept onsite where the grease trap or interceptor is located for a period of three years.
- B. Facilities for which a specific pretreatment permit has been issued will follow the requirements for maintenance and record keeping as stated in the permit.

14. Variance to Scheduled Maintenance or Tank Sizing Requirements

- A. A variance to the scheduled maintenance or tank sizing requirements of H2GO's FOG (Fats, Oils and Grease) specifications is to provide specific changes to the scheduling of grease separation device maintenance and servicing or the results from the recommended grease trap or interceptor sizing. Said variance is intended to give food service establishments an avenue to provide substantial evidence to reducing maintenance or size of the grease separation device. Said variance only applies to the scheduling of grease separation device servicing or grease trap/interceptor sizing. All other requirements of H2GO's Sanitary Sewer Use Ordinance, FOG Control Ordinance, and any other requirements remain in effect.
- B. Food service establishments shall provide a written explanation for the need to vary from the FOG Control Ordinance. All establishments requesting a variance shall agree to conform to the given variance stipulations. H2GO has the right to dismiss the variance at any time the grease separation device discharge adversely affects the sanitary sewer collection system and treatment works. Correspondence from H2GO must be obtained prior to plan submittal for a building permit. The variances request shall be made to H2GO regarding size and shall include at a minimum;

New Facilities

Applicant name and address, facility location, menu items, seating capacity, facility square footage, appliance/fixture inventory, service type (single or full service), hours of operation, general plumbing description and site plan or description.

Existing Facilities

Variances will only be granted to existing facilities that have been operating in compliance free of Notices of Violation or Noncompliance for at least the previous twelve (12) months. Requests must include; applicant name and address, physical location, menu items, seating capacity, facility square footage, appliance/fixture inventory, service type (single or full service), hours of operation, general plumbing description and site plan or description, and a summary of past maintenance activities. In addition, all variance requests must include a detailed future operation and maintenance plan that identifies the operational constraints, maintenance schedule and oil and grease waste disposal procedures.

REVISED AND RE-ADOPTED this the 13th day of November, 2012

John D. Crowder III, Chairman

Teresa Long, Clerk to the Board

Note of Amendments

Amended February 28, 2002

Amended June 27, 2007

Amended September 26, 2002

Amended July 25, 2007

Amended December 4, 2003

Amended August 22, 2007

Amended June 8, 2005

Amended August 26, 2008

Amended June 29, 2005

Amended November 16, 2005

Amended December 14, 2005

Amended April 26, 2006

Amended July 1, 2006